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PLEASE NOTE that these Regulations do NOT include the procedures and standards to be followed by Abbott schools and districts in the preparation of FY2007 budgets.

NEW JERSEY DEPARTMENT OF EDUCATION

COMMISSIONER OF EDUCATION

Improving Standards-Driven Instruction and Literacy and Increasing Efficiency in Abbott School Districts

Special Adopted Rules: N.J.A.C. 6A:10A

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Take notice that, in compliance with the provisions of the Fiscal Year 2006 Appropriations Act, the Commissioner of Education promulgated new rules to improve learning and literacy in Abbott school districts by implementing standards-driven instruction and effective educational practices and more efficient practices under Abbott v. Burke.

These rules require that school districts and schools prepare for the 2005-2006 school year by maintaining a focus on the systematic, collaborative, and continuous improvement of classroom practice. School districts, therefore, must guarantee that every student is provided the instruction required to master the Core Curriculum Content Standards (CCCS) and that all teachers are given a clear and coherent school district curriculum that specifies the content they are responsible to teach, including interim measurements to gauge student progress. School districts and schools will be expected to document that student work is continuously assessed to adjust instruction in the classroom, to target professional development opportunities for teachers and administrators, and to revise the school district curriculum. Research confirms that the most likely explanation for the achievement gap between Abbott and non-Abbott students is that

Abbott students are not systematically taught the CCCS and teachers are not consistently supported with instructional materials fully aligned to the CCCS and professional development to assure their mastery of the standards content.

These rules require Abbott school districts and schools to replace their three-year operational plans and the school district's preschool three-year operational plan that expire with the 2005-2006 year with a two-year report on instructional priorities (the Report). This replacement was made to accomplish the following: address NCLB requirements for a two year plan, improve articulation between preschool and kindergarten and eliminate the multiple plans now currently required in schools. The end goal will be one unified plan that meets both Abbott and NCLB requirements. Each school district and school must document the performance of students on state assessments by NCLB subgroups and Continuously Enrolled Students for at least the school years beginning 2002-2003 through 2004-2005. The Report is not to be all-inclusive, but will focus on the following objectives:

- Intensive early and middle grades literacy as measured by ASK3, ASK4, and GEPA LAL with a status report by school of documented implementation of the Abbott standards and practices (i.e., small group instruction, classroom libraries, uninterrupted 90 minute instruction, a uniform reading program, etc.);
- The provision of a high-quality preschool for all eligible three and four year-old children resident to the school district, with specific plans for serving at least 90 percent of such children with a Department-approved curriculum, and recruitment and retention of certified P-3 teachers in all classrooms;
- Mathematics performance as measured by all state assessments with documentation of alignment of instructional materials and texts to the CCCS, the universality of algebra mastery by the end of ninth grade, and the preparation of all students in grades five through eight for college-preparatory math in high school;
- The alignment of science curricula with the CCCS, including course sequence, instructional materials and professional development with a schedule of implementation for the two academic years beginning 2006-2007;
- The performance on the above indicators will be separately addressed for students categorized as English Language Learners (ELLs) and for non-ELL students whose Home Language Survey indicates a non-English-speaking/reading family;
- The performance on the above indicators for students classified as disabled; and
- The status of efforts to assure that all students in grades 6-12 are or will be in a small school or in a small learning community within a larger school.

The rules require that a school district's business operations and fiscal management are effective and efficient, and that the school district demonstrate concrete progress to reducing spending in categories in which it clearly exceeds the comparative spending documented in the Department Efficiency Study. School districts that were identified as exceeding administrative cost limits in the 2004-2005 school year must document the reductions that will be realized during the 2005-2006 school year, unless the excessive costs have been accepted by the Department as essential. School districts awarded Discretionary Education Opportunity Aid (DEOA) for 2005-2006 must prove that the funds were expended for only the purposes approved.

Full text of the rules follows:

Subchapter 1. General provisions

6A:10A-1.1 Purpose and applicability of rules

These rules are adopted to implement the Abbott v. Burke decisions and are promulgated pursuant to P.L. 2005 c. 132 to ensure that all students in poor urban school districts receive the educational entitlements guaranteed them by the New Jersey Constitution. The rules apply to "Abbott districts" as defined in Abbott v. Burke, 119 N.J. 287 (1990, Abbott II) and N.J.A.C. 6A:10A-1.2, and are adopted to ensure the provision of a thorough and efficient system of education as guaranteed by the New Jersey Constitution (T&E), and defined by the Court in the Abbott decisions and by P.L. 1996, c.136, as CCCS. These rules will also ensure that the instructional needs of students are continuously assessed, that all school districts operate in a cost-effective and efficient manner, are focused on improving learning, literacy and student mastery of the CCCS, and are supported by adequate funding. Additionally, these rules establish procedures and standards for those Abbott school districts receiving DEOA funding for fiscal year 2005-2006.

These rules, promulgated by the Commissioner of Education under the authority of the Fiscal Year 2006 Appropriations Act, shall be effective through June 30, 2006. To the maximum extent possible, these rules are consistent with the requirements, reporting and responsibilities imposed on Abbott schools and school districts by No Child Left Behind, P.L. 107-110. The

rules shall supercede the rules in N.J.A.C. 6A:23 and 6A:23A where inconsistencies occur. In addition, Abbott school districts must comply with all other requirements of State law and regulations as set forth in Title 18A of the laws of the State of New Jersey, the New Jersey Administrative Code and the non-fiscal requirements of the Comprehensive Educational Improvement and Financing Act (CEIFA) in N.J.S.A. 18A:7F-1 et seq., and rules otherwise promulgated to implement that act; except that where differences in these rules and the CEIFA rules or other rules occur, these rules herein shall take precedence.

6A:10A-1.2 Definitions

The following words and terms, as used in this chapter, shall have the following meaning, unless the context indicates otherwise.

"Abbott Preschool Program Contract" means the State-approved model agreement, with any modifications requested by the school district and approved by the Department, between the school district and private providers, including Head Start, to use when contracting preschool program services.

"Abbott school district" means each of the following 28 urban school districts identified in the appendix to **Raymond Abbott, et al. v. Fred G. Burke, et al.** decided by the New Jersey Supreme Court on June 5, 1990 (119 N.J. 287, 394) as follows: Asbury Park City, Bridgeton City, Burlington City, Camden City, East Orange City, Elizabeth City, Garfield City, Gloucester City, Harrison Town, Hoboken City, Irvington Township, Jersey City, Keansburg Borough, Long Branch City, Millville City, New Brunswick City, Newark City, City of Orange Township, Passaic City, Paterson City, Pemberton Township, Perth Amboy City, Phillipsburg Town,

Pleasantville City, Trenton City, Union City, Vineland City, and West New York Town, and the following school districts not included above but designated Abbott school districts pursuant to statute, Neptune Township and Plainfield, P.L. 1999, c.110, and Salem City, P.L. 2004, c.61, and such other school districts as may qualify in the future. An Abbott school district shall not include any charter school.

“Administrative Cost” means total administrative costs as defined by the Comparative Spending Guide and in accordance with the Uniform Minimum Chart of Accounts for New Jersey Public Schools and the National Center for Education Statistics classifications and other reporting directives published and distributed by the Commissioner pursuant to N.J.S.A. 18A:4-14 and N.J.A.C. 6A:23-2.1 et seq.

“Advertised Per-Pupil Administrative Costs” means the per-pupil administrative costs as defined by the Comparative Spending Guide and advertised in the school district budget software pursuant to N.J.S.A. 18A:22-11.

"Alternative Whole School Reform Design" or “AWSRD” means a plan approved by the Commissioner on the recommendation of the chief school administrator (CSA) and the school leadership council (SLC), in the case of a school AWSRD, that documents how elementary student performance in a school or entire school district can be improved by the implementation of a comprehensive program of instruction, governance and support adapted to the documented needs of its students and/or students district-wide and which the school district has documented to be more effective than the implementation of a national WSR model.

“Annual Audit Program” means the uniform program, including the Abbott Addendum, published and distributed by the Commissioner for each district board of education for preparing the Comprehensive Annual Financial Report pursuant to N.J.A.C. 6A:23-2.2(i).

"Appropriations Act" means the unitary appropriations law covering a single fiscal year as required by the New Jersey Constitution Article 8, Section 2, paragraph 2.

“CAPA Team” means the Collaborative Assessment and Planning for Achievement (CAPA) team of educational practitioners, parents and other individuals assembled, trained and assigned by the Commissioner and the chief school administrator to implement the CAPA process in low performing schools.

“CAPA Team Report” means the written report on the CAPA Team’s findings and recommendations, developed by the CAPA Team with the SLC and school district central office, that is consistent with *Abbott X* and addresses at least the following: quality of instruction and school leadership; effectiveness of the SLC; level of parent participation, WRS model implementation, support from the Department, and the school district central office; the adequacy of supplemental programs and services to meet student needs, the status and quality of the school district’s foundational education program with reference to curriculum, professional development, instructional materials and the use of student performance evidence and such other areas of inquiry as the Commissioner shall deem appropriate. The findings and recommendations in the Report shall result in a written Improvement Agreement consistent with *Abbott X*.

"Certified Childcare Professional or “CCP” means a credential earned by teachers for their knowledge of early childhood development and their skills in working with young children. The

credential means that the candidate has, at a minimum, 180 clock hours of continuing education credit and 720 hours of classroom experience and has passed the exam.

"Chart of Supplemental Programs" means the Supplemental Programs in Abbott Schools chart from Abbott X, incorporated herein by reference as the chapter Appendix A.

"Chief school administrator" or "CSA" means the superintendent of an Abbott school district, or the State school district superintendent in the case of a state-operated school district.

"Child care center provider" means a child care center or Head Start program licensed by the Department of Human Services pursuant to N.J.S.A. 30:5B-1 et seq.

"Child Development Associate or "CDA" means the national credential for early care and education teachers who have met the CDA competency standards or 120 clock hours of formal education through an agency or organization with expertise in child development or early childhood teacher preparation. Only the Council for Professional Recognition can award a CDA credential.

"Commissioner" means the New Jersey Commissioner of Education or the Commissioner's designee.

"Community and parent involvement specialist" means the school district staff member charged with furthering family/school partnerships for the preschool program. The specialist coordinates community and parent involvement plans and activities.

“Comparative Spending Guide” means the annual report of comparative financial statistics of school districts compiled and published for general distribution by the Commissioner pursuant to N.J.S.A. 18A:4-30.

“Comprehensive Annual Financial Report” or “CAFR” as defined in N.J.A.C. 6A:23-1.2.

“Continuously Enrolled Students-District or “CES-District” means a statistical subgroup of those students who:

1. Were enrolled in the school district by July 1, 2002 or earlier;
2. Took the 2005 New Jersey Assessment of Skills and Knowledge 3 (NJ ASK3), 4 (NJ ASK4), Grade Eight Performance Assessment (GEPA) or High School Proficiency Assessment (HSPA); and
3. Were enrolled in more than one school in the school district after July 1, 2002. Any student enrolled in an Abbott school after July 1, 2002 who transferred directly from another school in the same school district will be categorized as one of “Continuously Enrolled Students—District.”

“Continuously Enrolled Students School” or “CES-School” means a statistical subgroup of those students who:

1. Were enrolled in an Abbott school by July 1, 2002 or earlier and continued to be enrolled through the 2004-2005 school year; and
2. Took the 2005 NJ ASK3, NJ ASK4, GEPA or the HSPA.

"Core Curriculum Content Standards" or "CCCS" means the standards of achievement established for the provision of a thorough and efficient education pursuant to N.J.S.A. 18A:7F-4.

"Cost of Living" means the consumer price index or CPI pursuant to N.J.S.A. 18A:7F-3.

"Demonstrably Effective Program Aid" or "DEPA" means State aid pursuant to N.J.S.A. 18A:7F- 18.

"Decodable books" means books with limited vocabulary that can be understood by applying acquired phonetic skills.

"Demonstrated need" means an obstacle to improved student performance that is documented by evidence.

"Department" means the New Jersey Department of Education.

"Department Efficiency Study" or "DES" means the Department's cost efficiency study based on the McKinsey Group analysis, to review nine key cost centers based on median spending across the following six groups: statewide, Abbott school districts, operating type and size, county, region and district factor grouping (DFG). The nine key cost centers are administration and student support salaries, health benefits, facilities, regular transportation, special education transportation, supplies and equipment, utilities, adjusted classroom instruction and purchased professional services.

"Developer" means the operator of a Department-approved Whole School Reform model.

"Distance Learning Network Aid" or "DLNA" means State aid pursuant to N.J.S.A. 18A:7F- 22.

"District board of education" means the local district board of education, or the State school district superintendent in the case of a state-operated school district.

"District Factor Grouping" or "DFG" means an index of socioeconomic status established by the Department of Education based on the 2000 decennial census.

"Division of Abbott Implementation" or "Division" means the division within the Department responsible for implementing Abbott v. Burke (except facilities) and working with the Abbott school districts.

"Early Childhood Education Advisory Council" or "ECAC" means a representation of community stakeholders interested in the education and welfare of preschool-age children, organized by the school district to participate in community-wide planning by the school district and to review progress towards full implementation of high-quality preschool programs.

"Early Childhood Program Aid" or "ECPA" means State aid pursuant to N.J.S.A. 18A:7F- 16.

"Early Learning Assessment System" or "ELAS" is an ongoing performance-based assessment process that measures the child's progress in meeting the Preschool Teaching and Learning Expectations: Standards of Quality.

"Educational Facilities Construction and Financing Act" or "EFCFA" means P.L. 2000, c. 72.

"Effective" means a conclusion that a practice, expenditure, program or service is achieving its intended result by contributing to improved student achievement as demonstrated through site-specific evaluation employing the standards of evidence-based research and/or comparative data

analysis that takes into account the demographic and economic characteristics of the students to be compared.

“Efficient” means a conclusion that a reform, program, expenditure category or service or a component thereof, maximizes the use of time, effort, and resources, including funding, as demonstrated through site-specific evaluation and comparative data analyses against standards for efficiency and comparisons with the same expenditure category in other school districts.

“Emergent Circumstance” means a circumstance that must be addressed expeditiously to avoid peril to the health and safety of students and staff and/or to avert an operating deficit from the implementation of the requirements of this chapter and the CCCS.

"English language learners" or "ELL" means students that have been identified as Limited English Proficient, pursuant to N.J.A.C. 6A:15-1.3.

“Evidence-based Research” means research that applies rigorous, systematic and objective procedures to obtain reliable and valid findings. This includes research that:

1. Employs systematic, empirical methods that draw on observation and/or experiment;
2. Involves rigorous quantitative and/or qualitative data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn; and
3. Utilizes measurements and/or observational methods that yield reliable and valid information and that can be used systematically by multiple evaluators or observers.

“Face-to-face conversations” means the annual meeting between the Department and each Abbott school district to discuss the evidence of student achievement in order to agree on the instructional priorities and practices that should be given priority by the school district and reflected in its two-year report on instructional priorities and annual budget.

“Fiscal specialist” means the school district preschool program staff member responsible for managing the financial aspects of the school district’s contractual obligations with child care center providers.

"Fiscal Year 2006 Discretionary Education Opportunity Aid" or “FY 2006 DEOA” means the state funding that exceeds FY2006 EOA, applied for by an Abbott school district and awarded by the Department, to fund specific effective and efficient foundational education and supplemental programs in 2005-2006 to enable students to achieve the CCCS.

“Fiscal Year 2006 Education Opportunity Aid” or “FY 2006 EOA” means the State funding provided to support an Abbott school district’s fiscal year budget under the presumptive budget formula or parity (as defined in Abbott v. Burke 136 N.J. 444 (1994) and 119 N.J. 287 (1990)), whichever is greater.

“Foundational education” means the policies, standards and practices of a school district that include a coherent and clear curriculum aligned closely to the CCCS that guides the use of instructional materials and technology, the professional development and support for certified educators; the recruitment and retention of highly qualified educators; and the provision of continuous and effective support for all schools including supervision of instructional practice, a student database and support and assistance in using evidence of student work to guide instruction and specified assistance to schools in the timely delivery of goods, services, and support required for the maintenance of a safe, orderly, clean and educationally effective environment in each school.

"Full-day, full-year" means a 10-hour day, 245 days per year of approved preschool programs. For at least 180 days, this must include a six-hour educational component meeting Department

requirements at N.J.A.C. 6A:10A-2.3 and four hours of wraparound services meeting Department of Human Services (DHS) requirements at N.J.A.C. 10:122, Manual of Requirements for Child Care Centers. The remaining 65 days must meet DHS requirements at N.J.A.C. 10:122, Manual of Requirements for Child Care Centers for a 10-hour day.

"Full-time family worker" means an individual hired by the child care center provider at a ratio of one full-time family worker to every 45 children. The full-time family worker position is a 12-month position, 40 hours per week.

"GAAP" means as defined in N.J.A.C.6A:23-1.2.

"General fund appropriation account" means the line item accounts reported in the advertised appropriations in the original budget certified for taxes.

"Improvement Agreement" means the written agreement, developed by the CAPA Team, SLC, and CSA based on the CAPA Team Report, as to strategies and objectives for improving teaching and learning, how to implement those strategies and objectives, and the responsibilities of the various stakeholders. Consistent with *Abbott X*, the Agreement, shall include either continued or improved implementation of the selected WSR model; selection of another Department-approved model; or an alternative WSR design. Following approval, the school district and the school shall present the Agreement to the Education Law Center and the community.

"In-district preschool student" means a preschool student attending a preschool program operated by the school district, as opposed to a contracted child care center provider.

"Intensive Early Literacy Program" means a program for children age three through grade three designed to ensure that all students read at grade level by the end of third grade. The core program includes curriculum and instruction that address the CCCS and the Expectations, continuous assessment of students' needs; an emphasis on small group instruction in designated learning centers; at least a 90-minute uninterrupted literacy block for K to grade 3; and a classroom library.

"Leveled books" means books that are categorized using characteristics such as length, layout, difficulty of concepts, difficulty of vocabulary and complexity of language and then placed on a gradient of reading difficulty.

"Local support team member" means Department staff assigned by the Commissioner to work with Abbott school districts in implementing Abbott programs and services.

"Low-performing School" or "LPS" means an elementary school where 50.0 percent or more of the general education students were not proficient on the 2002 ESPA Language Arts Literacy subtest, adjusted by the Commissioner.

"Master teacher" means an employee of the district board of education that models, coaches, observes and provides feedback to teaching staff in preschool programs on the planning and implementation of preschool programs and the implementation of the Preschool Teaching and Learning Expectations: Standards of Quality.

"Midpoint Average Median" means the average of the highest and lowest median of the six groupings used to determine efficient costs in the Department Efficiency Study.

"NCLB" means the Elementary and Secondary Education Act (ESEA) as amended by the Federal No Child Left Behind Act of 2001, P.L. 107-110.

"Needs assessment" means a continuous process of evaluation of student academic work and non-instructional barriers to improved learning that prevent students from mastering the CCCS and graduating from high school. The assessments may include the remedies that are non-instructional in character and also programs and services found on the Chart of Supplemental Programs.

"Newly-contracted classroom" means any provider classrooms approved by the Department to serve preschool students in the upcoming school year.

"NJ ASK4" means the New Jersey Assessment of Skills and Knowledge. NJ ASK4 is the State test for fourth grade students that replaced the ESPA and that is used to measure achievement of the CCCS.

"NJ ASK3" means the New Jersey Assessment of Skills and Knowledge, the State test for third-grade students used to measure achievement of the CCCS.

"Non-Discretionary Fixed Costs" means costs incurred by a school district in its operation that are outside the control of the district board of education.

"Office" means the Office of Early Childhood Education in the Abbott Division of the Department of Education.

“Other reimbursable expenditures” means the reimbursement of out-of-pocket expenses for all other types of expenditures not related to an employee who is in travel status on official business of the school district.

“Preschool Expansion Aid” means the category of State funding to be used for the increase in the approved preschool costs from 2001-2002 for school districts with Abbott status in 2001-2002 to the current budget year for the projected expansion of preschool programs in Abbott school districts as defined in the annual Appropriations Act. For any school district receiving Abbott status after 2001-2002, the increase in approved budgeted cost will be based on the year Abbott status was obtained.

“Preschool intervention and referral team” means a team of specialists charged by the school district to work with school district administrators, center directors, master teachers, preschool classroom staff parents and school district child study team members to increase inclusion of children classified as disabled in general preschool classrooms and to decrease the number of referrals for special education.

“Preschool Professional Development Fellow status” means successful completion of the Department’s master teacher training course.

“Preschool Teaching and Learning Expectations: Standards of Quality” or “Expectations” means the Department publication issued July, 2004 which describes expectations for preschool children’s learning outcomes and expectations for high quality preschool teaching and programming.

“Presumptive Budget for FY2006” means the budget that was calculated as the 2004-2005 base budget increased by 2.5% or cost of living, whichever is greater, plus approved incremental new school facility costs, as agreed to by the Department and school district.

"Reallocation" means the transfer of funds from the school or the school district current or proposed budget items to another budget item(s) with the condition, consistent with *Abbott V*, that funds may not be withdrawn from or reallocated within the budget if that will undermine or weaken either the school's foundational education program or already existing supplemental programs.

"Reliable independent observer" means an individual adequately trained in the use of the program quality instrument identified by the Department as the standard for independent observation of preschool classrooms.

"Reliable Program Quality Assessment Instrument" means a tool to assess and improve preschool learning environments that is approved by the Department.

"School-based budget" means the annual budget for an individual school.

"School district two-year report on instructional priorities" means the operational plan for the 2006-2007 school year, that implements foundational education and supplemental programs and services, and addresses the special needs of English language learners and students classified as disabled. The plan shall be approved by the school district board of education and submitted to the Commissioner for approval on November 15, 2005.

"School Leadership Council" or "SLC" means a collaborative school-based planning and advisory body established at N.J.A.C. 6A:10A-5.3.

"School two-year report on instructional priorities" means the operational plan for the 2006-2007 school year, documented by student performance by NCLB subgroups and CES on state assessments that specifies instructional improvements for literacy, math and science with special references to English Language Learners and students classified as disabled, to be submitted for approval by the school principal and SLC to the school district by November 1, 2005 to be revised in accordance with these rules. The report shall be updated annually thereafter.

"Supplemental programs and services" means those programs and services not already required by State or Federal law, but that are supported by school and school district needs assessments of resources required to improve instructional performance. Included are those programs and services incorporated into the Abbott X Chart of Supplemental Programs.

"Surplus" means the amount of undesignated, unreserved fund balance as of July 1 of each year.

"Travel expenditures" means the expenditures for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the school district.

"Unbudgeted revenue" means any general fund revenue realized during the budget year that was not included in the original school district budget certified for taxes.

"Under-budgeted revenue" means any general fund revenue realized during the budget year that exceeds the amount included in the original school district budget certified for taxes.

"Uniform Preschool Enrollment Form" means a Department document to be used as the basis for an examination of the child and family background to assess the child's needs and that will serve as a planning tool for the school district's preschool program so that the preschool program will be responsive to the needs of the child.

"Whole school reform" means the school-based implementation of a school district- and Department-approved coherent design for curriculum, instructional strategies, continuous assessment and support for teachers that focuses on the particular academic needs of students in each school.

"Whole school reform model" or "WSR model" or "model" means the whole school reform model approved by the Commissioner.

Subchapter 2. Preschool Program

6A:10A-2.1 Preschool program general provisions

(a) On May 21, 1998, New Jersey's Supreme Court mandated that all eligible children resident in New Jersey's Abbott school districts be given the opportunity of a high quality preschool education beginning at age three, which is an essential element in achieving the goal of early literacy. The preschool program shall be well articulated with the kindergarten through grade three curriculum. The purpose is to prepare these children to enter kindergarten with skills and abilities more comparable to those of their wealthier suburban peers and thus to prepare them to achieve educational success. The Court's mandate has a strong scientific basis. Intensive, high-quality preschool programs can close much of the early achievement gap for lower-income children. This substantially increases their school success and produces a host of life-long

benefits including increased school achievement and social and economic success as adults. The Court set out a few basic standards for quality preschool education:

1. A certified teacher and an assistant for each class;
2. Maximum class size of 15 students;
3. Developmentally appropriate curriculum;
4. Adequate facilities; and
5. Transportation, health and other related services as needed.

(b) These rules will assist the Department in reaching its goal to ensure that all preschool children in Abbott school districts enter kindergarten ready to succeed. The purpose of these rules is to ensure that high quality preschool programs are established.

6A:10A-2.2. Preschool programs

(a) The district board of education shall offer a full-day, full-year preschool program to all eligible children.

1. The district board of education shall determine age eligibility for enrollment in preschool programs for three- and four-year olds pursuant to this subchapter using the same date it uses in determining age eligibility for kindergarten programs.

2. The district board of education shall offer preschool programs and services only to age-eligible residents of the school district.

3. The district board of education shall establish proof of residency as set forth in N.J.A.C. 6A:22, Student Residency.

4. The district board of education shall provide one teacher and one aide for every 15 children. Contracted class size shall not be greater than nor less than 15 children.

5. The district board of education shall provide a curriculum supported by evidence-based research and programs that meet the Department's Preschool Teaching and Learning Expectations: Standards of Quality, (Expectations) that are linked to the CCCS. The programs and curriculum shall include, but not be limited to, the following:

i. An alignment of the school district's curriculum and classroom practices with the Expectations, with particular attention paid to the needs of English language learners and children with disabilities.

ii. A clearly described, systematic and intensive approach for the acquisition of early literacy and language abilities using appropriate strategies and techniques delineated in the Expectations including but not limited to: inviting places to look at a wide variety of books; writing materials and literacy props that are available throughout the room; introduction of new words, concepts and linguistic structures; book reading more than once per day individually and in groups; and promoting children's interest in the sounds they hear in words and the letters that make up words; and

iii. Implementation of the Early Learning Assessment System (ELAS) in all preschool classrooms and kindergarten by September, 2005.

6. The district board of education shall ensure that all preschool age children receive systematic support for language acquisition within their regularly assigned preschool classrooms, not

through pull-out or push-in programs that do not offer the continuous and comprehensive support preschool children need.

7. Rules for short-term and long-term suspension at N.J.A.C. 6A:16-7.2 and rules for expulsion at N.J.A.C. 6A:16-7.3 shall not apply to preschool students.

i. Preschool students in a general education program or special education program shall not be suspended, long-term or short-term, and shall not be expelled.

ii. Preschool intervention and referral team and other relevant services shall be provided for teachers with preschool students exhibiting challenging behaviors, social difficulties, or learning difficulties.

8. The district board of education shall participate in a self-assessment and validation system using a protocol developed by the Department to assess preschool program implementation and results in preschool program improvement plans. The self-assessment and validation shall be conducted annually by the district board of education and the Department and shall include, but not be limited to, the following:

i. A detailed self-assessment by the district board of education of its preschool program to inform its school district two-year report on instructional priorities;

ii. A validation visit by a State team at least every three years;

iii. The development of a plan for improvement in a format to be provided by the Department.

The plan shall, at a minimum, include:

- (1) Identification of the program area(s) in need of improvement;
- (2) A detailed explanation of the steps to be taken by the district board of education and/or the Department for program improvement to occur;
- (3) A schedule for implementation including interim benchmarks of progress and interim progress assessments; and
- (4) A date for program re-evaluation.

9. The district board of education shall provide master teachers at a ratio of no more than 20 preschool classrooms for each master teacher. The district board of education shall provide additional master teachers to address special needs including, but not limited to, providing additional assistance to uncertified or inexperienced teachers and providing professional development on serving specialized populations. The responsibilities of the master teacher shall, at a minimum, include:

- i. Modeling, coaching, informally observing, using structured observation instruments, and providing feedback to teachers in preschool programs to assist in implementation of the Expectations;
- ii. Providing staff development instruction, based on systematic classroom observation using the Reliable Program Quality Assessment Instrument, as defined in N.J.A.C. 6A:10A-1.2, for all aspects of the preschool program;
- iii. Providing support to preschool programs and, when applicable, making recommendations to supervisors or directors of early childhood preschool programs to use the expertise of school

district personnel or other early childhood experts to provide additional professional development as the need is identified through data collection;

iv. Coordinating early childhood assessment in preschool programs;

v. Ensuring accurate implementation of the ELAS;

vi. Coordinating parent involvement programs with district board of education and provider staff;

vii. Providing information on district board of education programs to the family worker, social workers, and preschool program staff; and

viii. Planning transition activities, programs and services between preschool and kindergarten programs.

10. The master teacher shall have the following qualifications and experience:

i. A bachelor's degree and teacher certification;

ii. Three to five years experience teaching in preschool programs;

iii. Experience facilitating and providing professional development directly to classroom teaching staff;

iv. Experience facilitating workshops and training sessions for preschool teachers;

v. Experience in design and implementation of developmentally appropriate preschool curriculum; and

vi. Experience with performance-based preschool assessments.

11. In addition to the requirements in (a)10 above, depending on the population served by the district board of education and identified by the needs assessment conducted in the school district, the master teachers shall demonstrate one or more of the following:

i. Specialization in bilingual education or second language acquisition;

ii. Specialization in special education/inclusion;

iii. Specialization in early literacy;

iv. Coursework in supervision and leadership;

v. A Preschool through Grade Three Certificate or an N-8 Certificate; or

vi. Preschool Professional Development Fellow status.

12. The district board of education shall provide a social worker (MSW) for every 250-300 in-district preschool students. The responsibilities of the social worker shall, at a minimum, include:

i. Collaborating with classroom teachers, master teachers, and other school district professionals to support the school district family services program;

ii. Coordinating with the community and parent involvement specialist to reach out to families, determine individual family needs, provide advocacy services, and obtain available community services;

- iii. Providing follow-up, assessment of child needs, direct service when appropriate, and appropriate changes to services for families and students;
- iv. Helping parents learn about child development, nutrition, providing a safe environment, and how to support the curriculum chosen by the school district; and
- v. Designing and providing parent workshops based on identified needs and parent survey responses.

13. The district board of education shall establish one preschool intervention and referral team for every 750 preschool students. In school districts with fewer than 750 preschool children, one team shall be allocated for every 750 children in preschool through grade three, with the school district's preschool budget funding the preschool proportion of the team.

i. The preschool intervention and referral team shall work with school district administrators, center directors, master teachers, preschool classroom staff, parents and school district child study team members to increase inclusion of children classified as disabled in general preschool classrooms and to decrease referrals for special education.

ii. The preschool intervention and referral team shall include a combination of psychologists, learning disabilities teacher consultants, school social workers, and speech and language specialists. Other professional staff may be approved by the Department based upon identified needs of the school district and/or its preschool students.

iii. The preschool intervention and referral team shall have a strong background and knowledge in early childhood education and development.

iv. The early childhood school district administrator shall supervise the team.

v. The early childhood school district administrator shall ensure collaboration and communication with the school district office of special services.

14. The responsibilities of the preschool intervention and referral team shall, at a minimum, include:

i. Consulting with and supporting master teachers and preschool classroom teachers in planning strategies, adapting teaching practices, involving and educating families, and making modifications to help preschool children meet the Preschool Teaching and Learning Expectations: Standards of Quality;

ii. Conducting regular visits to classrooms to observe, model, provide feedback, and make recommendations about appropriate strategies, classroom modifications, and the selection of adaptive materials;

iii. Planning and implementing professional development for instructional staff and administrators to facilitate preschool inclusion;

iv. Coordinating with school district special services departments and child study team members, when appropriate, to ensure seamless preschool programming;

v. Coordinating meetings for professionals across disciplines and with families, as appropriate, with the goal of consulting, collaborating, and planning as a team;

vi. Referring students, when all other efforts have failed, to the school district Child Study Team as set forth in N.J.A.C. 6A:14, Special Education; and

vii. Reducing the number of students classified as disabled who are not instructed in general education classrooms and increasing the proportion of time in general education classrooms for those students who are instructed in self-contained classrooms or resource rooms. The progress in meeting this objective shall be reported annually by the district board of education to the Department in its school district two-year report on instructional priorities.

15. Each district board of education shall ensure that supervisors of preschool programs hold a New Jersey Supervisor's Certificate and have a background and experience in preschool education.

16. Each district board of education shall ensure that administrators of preschool programs hold the appropriate New Jersey Supervisor's Certificate or New Jersey Principal's Certificate and have a background and experience in preschool education.

17. The district board of education shall provide a community and parent involvement specialist. The responsibilities of the community and parent involvement specialist shall, at a minimum, include:

i. Staffing the advisory council;

ii. Being responsible for the community needs assessment;

iii. Organizing and coordinating systematic parent involvement plans and activities; and

iv. Coordinating work with other agencies.

18. In school districts serving more than eight child care center providers, the Department may approve the position of fiscal specialist. The fiscal specialist shall have auditing, budgeting, and accounting experience and shall be directly responsible to the early childhood supervisor or the director of early childhood programs. The fiscal specialist shall work with the school district business administrator's office. The responsibilities of the fiscal specialist shall, at a minimum, include:

i. Helping child care center providers develop their preschool program budgets;

ii. Monitoring each child care center provider for compliance with the Abbott Preschool Program Contract;

iii. Collecting and reporting teacher certification information;

iv. Reviewing and expediting adjustments to quarterly expenditure reports in accordance with the approved child care center provider budgets; and

v. Working with those child care center providers needing assistance.

19. The district board of education shall establish an Early Childhood Education Advisory Council (ECAC).

i. The membership of the council shall consist of community stakeholders, and include child care center providers and parents.

ii. Elected co-chairs shall preside at council meetings which shall be regularly held.

iii. The council shall advise on the planning and implementation of the preschool program.

iv. The council, once organized, may add new representation as needed or identified.

v. The community and parent involvement specialist or other designated school district employee shall staff the council.

20. The district board of education shall use the following method for calculating the universe of eligible three-year-old and four-year-old children:

i. The district board of education shall determine the number of children attending first grade using the Application for State School Aid (ASSA) report, subtracting any students who have been retained in first grade that year. The Department will collect the first grade enrollment data from the non-public schools in each Abbott school district and forward this enrollment data to each Abbott district board of education. The district board of education shall add the non-public first grade enrollment data to the total first grade ASSA enrollment data to determine the potential universe of first grade children in the school district.

ii. The district board of education shall use the total of the determinations made under (a)20i and multiply by two to determine the universe of three- and four-year-old children to be served in the next school year.

21. The district board of education shall use the following method to calculate the number of preschool children to be served in the next school year:

i. The district board of education shall make appropriate adjustments to the universe of three-year-old children and to the universe of four-year-old children as determined using the method

prescribed in (a)20i to determine enrollment projections for each age group based upon the documented history of the actual enrollments in the three- and four-year old programs over the last three years and provide that documentation to the Department in the report on instructional priorities;

ii. The district board of education shall make appropriate adjustments to the universe of three-year-olds and to the universe of four-year-olds based upon any factors in the community that might affect the growth rate in the three- and four-year-old populations, such as a large employer moving in or out of the school district, or a new housing development and provide this documentation to the Department in the report on instructional priorities;

iii. Using the data identified in (a)21i and ii above, the district board of education shall determine the projected number of three-year-old and four-year-old children to be served in the next school year in order to reach full enrollment of the of the universe of eligible children. A district board of education enrolling less than 90 percent of the universe of eligible children shall develop a corrective action plan setting forth specific plans to address under-enrollment, including plans to remedy lack of facilities meeting the preschool facility planning standards on a temporary and permanent basis and plans for outreach and recruitment of hard-to-reach families;

iv. The district board of education shall also use the number in (a)21iii above as the projected number of three and four-year-old children for planning purposes in the development of the school district two-year report on instructional priorities; and

v. The Department will utilize historical enrollment trends and the school district's past ability to reach at least 90 percent of the universe of eligible children to establish projected enrollment and

to determine the need for additional classrooms and other concomitant fixed costs. Additionally, if the approved projected enrollment is greater than the actual enrollment of the previous school year, the school district shall not receive funding for more than 15 classrooms not filled to capacity.

(b) The district board of education shall contract with a child care center provider or its local Head Start program to implement required preschool programs and shall not duplicate programs or services otherwise available in the community. The district board of education shall enter into an Abbott Preschool Program Contract with a child care center provider or local Head Start program to provide services to preschool children only when that provider is able and willing to meet the quality standards of Abbott preschool programs including the following:

1. Provide an on-site director who works at the child care center for a minimum of five of the six hours of the educational program day;
2. Provide one P-3 certified teacher and one aide for every 15 children. Contracted class size shall not be greater than nor less than 15 children;
3. Provide programs, in consultation with a master teacher, that meet the Department's Preschool Teaching and Learning Expectations: Standards of Quality that are linked to the Core Curriculum Content Standards;
4. Require teachers who work for a Head Start agency that began contracting with an Abbott school district for that classroom after September 2000 and who have not obtained a Preschool through Grade 3 Certificate by September 2004 to submit applications for extension by May 15

of each year consistent with i-v below. The application must include verification that the teacher:

i. Shall complete the degree within four years of the first date of contract for the classroom in which the teacher has continuously taught;

ii. Is a student in good standing;

iii. Has obtained a minimum GPA of 2.75 when 4.0 equals an A;

iv. Has a detailed and feasible plan for completing the bachelor's degree within the timeframe described in i above; and

v. Has submitted letters of support from the child care center director and a school district representative;

5. The school district shall be responsible for reviewing each application for accuracy and completeness and then shall forward the application and documentation to the Department on or before June 1 of the application year;

6. The Department shall send letters of approval or denial for each individual applicant by July 1 of the applicable year for every complete and correct application to the school district, the early childhood center provider and the individual teacher;

7. Require all teacher aides, both new hires and existing staff, to have a high school diploma or its equivalent;

8. Encourage all teacher aides, both new hires and existing staff, to:

i. Obtain the Child Development Associate/Certified Childcare Professional (CDA/CCP) credential if they do not have CDA/CCP credentials; or

ii. Pursue an associate's degree in early childhood education, if they already have Child Development Associate/Certified Childcare Professional (CDA/CCP) credentials;

9. Participate in the Child and Adult Care Food Program (CACFP) or National Food Program for food and food service related costs;

10. Provide one full-time family worker for every 45 children and their families served by the child care center provider. If the child care center provider does not serve enough children to warrant hiring a full-time family worker, then the center shall employ a family worker to work an amount of time equal in proportion to the number of children served;

11. The family worker shall be advised and trained by a coordinating social worker employed by a local agency under contract with the Department of Human Services;

12. The family worker shall attend all advisement and training sessions designated by the coordinating social work agency;

13. The family worker shall work with the children and families to help families stay involved with the program and to provide relevant information on community resources. The responsibilities of the family worker shall, at a minimum, include:

i. Collaborating with the school district community and parent involvement specialist and school district social workers;

ii. Coordinating participation in health and social services designated by the school district to serve the needs of the children and their families;

- iii. Providing all requested data to the school district; and
- iv. Working the equivalent of a 40- hour work week which shall include evenings and weekends, as necessary, to meet family needs;

14. Implement sound fiscal practices including, but not limited to:

- i. Maintaining a financial management system that provides timely, accurate, current and complete disclosure of all financial activities related to the agreement, in accordance with Generally Accepted Accounting Principles;
- ii. Making all educational, administrative, and indirect support cost expenditures in accordance with the budget approved by the district board of education and Department;
- iii. Amending the approved budget, as necessary, with approval by the district board of education and Department;
- iv. Submitting to an annual, independent audit; and providing copies of the audit to the district board of education within 30 days of issuance;
- v. Making all financial and program information available on request for inspection at any time to the school district or Department designee; and
- vi. Submitting to the district board of education a quarterly report of actual expenditures signed and certified by an officer of the corporation;

15. Provide a minimum of 950 square feet of usable space per classroom, excluding storage, equipment or furnishings that are built in or not easily movable, for each newly contracted classroom;

16. Provide that all construction or alteration of playgrounds and playground equipment:

i. Complies with N.J.A.C. 5:23-11, the playground safety subcode of the Uniform Construction Code; and

ii. Complies with N.J.A.C. 5:23-7, the barrier free subcode of the Uniform Construction Code; and

17. Maintain Department of Human Services licensure.

(c) The Abbott Preschool Program Contract shall be in a form provided and/or approved by the Department.

1. Each district board of education using the State-approved Abbott Preschool Program Contract without modifications shall submit a copy of each executed contract to the Department no later than 45 days after receiving such document from the Department.

2. The district board of education shall ensure that its request(s) to modify the State-approved Abbott Preschool Program Contract are submitted for approval no later than 45 days after the Department's annual release of the contract for the following school year.

3. The district board of education shall submit a copy of each executed contract to the Department within 45 days of receiving approval from the Department to modify the State-approved Abbott Preschool Program Contract.

(d) In addition to (c) above, the Abbott Preschool Program Contract shall include, but not be limited to, the following expectations, supports and accountability measures for the district board of education and the child care center provider:

1. The district board of education in consultation with the ECAC and based on individual teacher professional development plans shall determine the minimum number and types of professional development opportunities it will offer to all teachers serving preschool children in an Abbott school district;

2. The district board of education with the ECAC shall establish procedures for recruitment, enrollment and placement of all age-eligible resident three- and four-year-old children in the preschool program;

3. The district board of education with the ECAC shall establish the procedure by which preschool attendance is submitted to the district board of education by the child care center provider and verified by the district board of education; and

4. The district board of education shall verify the credentials and progress toward certification, where applicable, of all preschool teaching staff in a child care center provider and shall verify that all required background and criminal checks on all employees have been conducted.

5. District board of education shall provide financial management assistance to the provider to develop and monitor the child care center provider's annual budget, to verify the accuracy of costs and to ensure that the expenditures are made in strict accordance with the approved budget.

(e) A child care center provider that has not previously, as of September 9, 2003, had an Abbott Preschool Program Contract with the district board of education to serve Abbott preschool children shall meet the following criteria to be eligible for a contract:

1. The child care center provider shall have provided preschool educational services for at least one year prior to entering into a contractual relationship with the district board of education;

2. The child care center provider shall have a documented record of appropriate financial management;

3. The child care center provider shall be able to accommodate at least 90 Abbott eligible children in a manner consistent with these regulations and the Court standards;

4. The child care center provider shall provide to the district board of education copies of insurance certificates; an efficient annual budget; credentials for teaching staff; attendance records; and any additional documentation, including all financial records, as requested by the district board of education and/or Department;

5. The child care center provider shall present evidence to the district board of education of compliance with Department of Human Services background check procedures for child abuse record information pursuant to the Manual of Requirements for Childcare Centers N.J.A.C.

10:122-4.9 and compliance with Department of Human Services criminal history background check procedures pursuant to P.L.2000, c.77.

6. The child care center provider shall agree to participate in a minimum number of professional development opportunities offered by the district board of education for all preschool teaching staff;

7. The child care center provider shall agree to submit certified expense reports;

8. The child care center provider shall agree to expend funds only as specified in the approved budget;

9. The child care center provider shall agree to certify that the proposed budget submitted to the district board of education and the executed Abbott Preschool Program Contract is true and accurate; and

10. The child care center shall agree to meet the quality standards set forth by the New Jersey Supreme Court and the regulations and procedures implementing same as required by the Department.

(f) The district board of education shall include in each child care center provider's Abbott Preschool Program Contract criteria submitted to and approved by the Department for termination of the executed contract prior to the expiration of the executed contract term, which shall include, but not be limited to:

1. Discovery that Abbott-eligible children are served in non-Abbott classrooms;

2. Material breach of the child care center provider's responsibilities;
3. Revocation of its DHS licensure;
4. Failure to produce criminal background checks on employees;
5. Failure to comply with all terms of the executed Abbott Preschool Program Contract; and
6. Failure to comply with all applicable requirements established herein this chapter.

(g) The district board of education shall conduct on-site monitoring at least twice in the contract year to assess compliance and shall ensure that child care center providers and local Head Start programs comply with the Abbott Preschool Program Contract requirements including the requirements of (b) through (f) above.

6A:10A-2.3 Provider and Head Start program contracts and budgets

(a) The district board of education shall ensure that the proposed budget of each child care center provider and Head Start program supports the needs of the children and the actual program costs for the six-hour educational component of the 10-hour day for at least 180 school calendar days.

1. The proposed budget shall compensate certified teachers comparable to that which would be received if the teacher were employed by the district board of education;
2. The child care provider shall ensure that the certified teacher receiving the comparable compensation meets comparable work schedule requirements for both student contact time and teacher contact time, including the equivalent number of hours per day and the equivalent number of days per contract year established by the school district board of education for its

certified teachers. This work schedule shall also include the same amount of preparation time and the amount of lunch time as received by the school district board of education certified teachers;

3. The district board of education shall verify for accuracy and efficiency all annual budget projections submitted by each child care center provider prior to submission of the budget to the Department; and

4. Shall monitor the expenditures of each contracted child care center provider at least quarterly and shall recoup any unexpended funds at the end of the school year.

(b) The district board of education, child care provider, and Department shall use the following process for non-renewal of a child care center provider's Abbott Preschool Program Contract:

1. The school district shall notify, in writing, the child care center provider and the Department of the decision and reasons for non-renewal of the Abbott Preschool Program Contract.

2. The child care center provider may dispute the non-renewal of the Abbott Preschool Program Contract by written notification within ten business days to the Office with a copy to the Department of Human Services, Office of Early Care and Education.

3. The Office may request additional information.

4. The Office shall affirm or deny the appropriateness of the non-renewal decision.

5. The non-renewal decision may be appealed to the Commissioner pursuant to N.J.A.C.6A:10A-9.2.

6. In the event of non-renewal of the child care center provider's Abbott Preschool Program Contract, the school district shall recover from the child care center provider all playground materials, playground equipment both installed and uninstalled, startup classroom materials, and startup classroom technology or the monetary equivalent thereof, based upon funding for said items as approved by the Department.

(c) The district board of education shall use the following informal process for resolving disputes between themselves and a contracting child care center provider:

1. If a dispute arises between a district board of education and a child care center provider, they shall attempt to resolve it at the local level.
2. If the dispute cannot be resolved locally, either the child care center provider or the school district, or both jointly, shall submit a request that the Office review the dispute.
3. Upon receipt of a request for review, the Office shall notify any non-requesting entity and shall request any documentation required.
4. The Office shall mediate the dispute, in consultation with the Department of Human Services as appropriate, facilitate communications between the parties, and attempt to resolve the dispute.
5. If a dispute becomes the subject of a contested case, discussions occurring during the mediation process shall be considered confidential, and shall not be used as evidence in the contested case.
6. The district board of education and child care center provider shall be advised that this process is an optional service offered by the Department. If either is alleging a violation of school law,

and the dispute is such that adjudication by the Commissioner shall be sought through contested case proceedings, use of the informal dispute resolution process shall not exempt parties from complying with filing deadlines for appeals to the Commissioner outlined in N.J.A.C. 6A:3, Controversies and Disputes.

7. This process described herein shall not apply to the termination or potential termination of an Abbott Preschool Program Contract.

(d) The district board of education, child care center provider, and Department shall use the following process to terminate a child care center provider's Abbott Preschool Program Contract:

1. The school district shall notify the child care center provider, the Office and the Department of Human Service, Office of Early Care and Education regarding a possible breach of contract by a child care center provider.

2. The child care center provider will have no less than ten (10) business days to resolve the deficiency.

3. If the child care center provider fails to resolve the deficiency within the time provided, the child care center or the school district may request a meeting with the Department and the Department of Human Services, Office of Early Care and Education to discuss the possible breach of contract. Meeting outcomes may include a plan of action to correct the deficiency, a schedule for obtaining additional information, or additional efforts to resolve the issues in dispute.

4. If a plan of action is required, then the school district shall write the plan with copies to the Office, Department of Human Services Office of Early Care and Education, and the child care center provider.

5. Upon the completion of (1)-(4) above, the school district may terminate the Abbott Preschool Program Contract with the provider consistent with the following provisions:

i. The school district shall have the right to terminate the child care center provider's Abbott Preschool Program Contract in whole immediately upon revocation of the child care center provider's Department of Human Services licensure, the material breach of the provider's responsibilities including the failure to conduct and document criminal background and child abuse history checks, discovery that Abbott-eligible children are served in non-Abbott classrooms, failure to comply with all applicable requirements established pursuant to the New Jersey Administrative Code, or any other reasonable cause within the discretion of the school district and written approval from the Department.

(e) Child care center providers and school districts shall have the right to appeal any decision to enact termination to the Commissioner pursuant to N.J.A.C. 6A:3, Controversies and Disputes. The filing of an appeal shall not prevent the termination from becoming effective on the date specified unless the appealing party seeks and is granted a stay pending decision by the Commissioner.

(f) The school district and the child care center provider may terminate the Abbott Preschool Program Contract by mutual agreement, in writing, upon notice to the Department, Department of Human Services, and written approval from the Department. In the event of termination

under this provision, said termination shall take effect upon the 30th day from the date the parties receive written approval from the Department to terminate the contract.

(g) In the school district two-year report on instructional priorities, the district board of education shall ensure that the parent education and involvement activities planned by the district board of education are based on identified needs.

(h) The district board of education shall annually participate in a self-study and validation of its preschool program and amend the school district two-year report on instructional priorities to reflect its findings.

(i) The district board of education shall submit amendments to its school district two-year report on instructional priorities as required by new findings and conclusions about the implementation of the preschool program.

(j) Through the needs assessment process, the district board of education shall evaluate and assess the needs of its students, programs and child care center providers so as to formulate plans and applications to meet these needs and shall include, but not be limited to, the following:

1. For every child's preschool application, the district board of education shall complete an enrollment survey on forms provided by and made available to the Department;
2. The district board of education shall conduct a preschool early childhood screening assessment at school entry to determine if a child needs comprehensive diagnostic assessment; and

3. The district board of education shall use a reliable observation method approved by the Department to assess program quality in each preschool classroom, aggregate the data, and develop professional development plans for all teaching staff.

i. The district board of education in consultation with the ECAC and with approval from the Department shall establish a minimum acceptable score for all preschool classrooms in operation in the school district.

ii. If any classroom falls below the minimum acceptable score, then an improvement plan shall be established. The school district early childhood supervisor or director of early childhood, the master teacher and the school principal or child care center director shall participate in discussions to determine the classroom quality improvements that are necessary based upon the observation and establish a timeframe for making the required changes.

iii. The master teacher shall provide technical assistance to the classroom teacher based upon the improvement plan.

iv. If the district board of education deems that improvements have not been made according to the established schedule, a reliable independent observer approved by the Department will evaluate the classroom or program. If the reliable independent observer verifies that the expectations are not being met, steps shall be taken to remove the teacher from the classroom or terminate the Abbott Preschool Program Contract between the child care center provider and the district board of education.

(k) In its school district two-year report on instructional priorities, the district board of education shall describe its plan for articulation of the preschool program with kindergarten. This plan shall, at a minimum, include the following:

1. The process for identifying and communicating the information needed by the kindergarten teachers about the preschool program, and vice-versa;
2. Methods for communicating information about individual children to their new kindergarten teacher, in particular the results of the ELAS;
3. The plan developed by the district board of education to ensure a seamless transition from preschool to kindergarten for the preschool children; and
4. The process for providing information to parents about the kindergarten program and the transition plan from preschool to kindergarten.

(l) Upon offering full-day, full-year preschool programs, the district board of education may request a waiver of this requirement under N.J.A.C. 6A:5, Regulatory Equivalency and Waiver, as applicable, to allow families to enroll their children in a half-day program and/or a school-year program, provided that the program meets all other requirements of this subchapter.

(m) The waiver application shall include copies of signed declinations by parents or guardians that demonstrate that the district board of education offers a full-day, full-year preschool program and discloses that the families have elected a half-day program and/or a school-year program.

6A:10A-2.4 Office of Early Childhood Education roles and responsibilities in the preschool program.

(a) The Office shall provide services that include, but are not limited to, the following:

1. On-site technical assistance in the development of the school district two-year report on instructional priorities, including the development of program goals and objectives for a high quality preschool program and other technical assistance as requested by the district board of education;
2. Review and approval of the preschool section of the school district two-year report on instructional priorities by January 15, 2006;
3. Professional development opportunities to the district board of education early childhood supervisors or early childhood directors to provide information and technical assistance to the district board of education from the Department;
4. Professional development opportunities for master teachers;
5. Assistance with the self-study and validation process and the development of a program improvement plan;
6. Providing copies of the complete school district two-year report on instructional priorities including the school district and child care center provider budget forms, a copy of the Uniform Preschool Enrollment Form, a list of State-approved reliable independent observers, a copy of the State-approved Abbott Preschool Program Contract, as well as copies of other information available from the Department and requested or needed by the district board of education;

7. Opportunities to be involved in State planning and policy development for the preschool program; and

8. Ensuring necessary funds to implement a high quality preschool program.

Subchapter 3. Standards-Based Instruction

6A:10A-3.1 School district-led standards-based instruction.

(a) Abbott schools and school districts shall implement a coherent and integrated curriculum for all students, including English language learners and students with disabilities, that is content-rich, aligned to the CCCS and guarantees the instruction every student needs to master them, is engaging for students, and is continuously adjusted by the evidence of student performance.

Such curriculum shall:

1. Be comprehensive for students age three through grade 12 and reflect the cumulative knowledge and skills required to graduate from high school prepared for collegiate coursework and the 21st century workplace. The preschool curriculum shall be aligned to the preschool Expectations and seamlessly connected to the kindergarten curriculum. A rich curriculum shall incorporate project-based learning and cross-disciplinary work throughout;

2. Be continuously reviewed and modified by a cross-section of teachers, principals, and supervisors for alignment to the CCCS, Department curriculum frameworks, student performance, new developments in subject matter and grade-to-grade alignment;

3. Be supported with, and specific about, the primary and supplemental instructional materials including textbooks, where necessary, and software aligned to the school district curriculum and the CCCS;
4. Be used to determine the content mastery required of teachers to teach the CCCS, the diagnostic instruments and assessments they can use to gauge student progress and guide professional development and support for teachers;
5. Drive improved classroom instruction by setting specific curricular expectations for students and teachers that are measured periodically, but at least semi-annually, by school district- and school-level assessments, and reviewed by the school district and school to identify weaknesses and to adjust instruction; and
6. Meet these additional indicators of clarity and effectiveness:
 - i. The curriculum shall be clear and specific enough that a teacher, student, or parent may consult it to learn what level of achievement is expected by content area, grade level and skill level and what instructional materials can be used to achieve same;
 - ii. The curriculum shall indicate how interim instructional goals will be assessed and what performance will indicate satisfactory progress;
 - iii. The curriculum shall provide guidance to teachers on how to work with students failing to achieve the instructional goals; and
 - iv. The curriculum shall be used as one standard to review teachers' content mastery and instructional skills to determine what professional development is required.

(b) Abbott schools and school districts shall provide continuous and high quality professional development that gives priority to an assessment of teacher mastery of the intellectual content of CCCS based on detailed evidence of student achievement of the CCCS as measured by State and non-State tests, school district interim and summative assessments, student portfolios and other measures of performance. Priority shall be given to literacy, math and science, as identified in the school district and school two-year reports on instructional priorities and:

1. The school district central office shall set the priorities for professional development and create professional development opportunities in partnership with principals, content supervisors, and teachers based on assessments of individual and collective teacher needs for intellectual content, strategies, skills, concepts, and expectations defined by the curriculum and focused on student achievement and may be organized by or across academic disciplines, grade levels, or schools;

2. Professional development in Abbott schools and school districts shall support a culture of continuous professional inquiry and improvement that help to reduce the isolation of teachers by promoting teacher learning with adequate and consistent time during the school day and year for teachers to work together in content areas, in grade or department-level meetings, and school wide to review student work and achievement, to develop a common understanding about quality work, to help each other create improvement strategies, to visit each other's classrooms, to solve instructional problems, and to identify the need for additional expertise;

3. The professional development plan shall include opportunities to provide assistance to teachers as to how to assess student progress and with the pedagogical strategies to assist students struggling with the content or skills required to master the CCCS; and

4. In preschool and grades K-8, the school district central office shall assist teachers with the organization and delivery of small group instruction differentiated by student needs.

5. In planning for the 2006-2007 school year, the school district may establish or identify an existing leadership team with school district and school level representation. This school district leadership team shall include staff responsible for school district-level oversight of curriculum, instruction, and professional development, as well as representation from building administrators, content-area supervisors, coaches, and classroom teachers. In addition, leadership teams from every school shall be responsible to report to the school district team proposals to address the staff learning needs associated with their instructional priorities. The school district team shall have the responsibility to evaluate the school reports, to identify common needs and opportunities for coordinating staff development activities and resources, and to ensure that planned professional development opportunities at the school and school district levels will improve the learning of all students and are aligned with the school district and school reports on instructional priorities. A report of the coordinated and aligned plans for staff development shall be submitted to the Division of Abbott Implementation by May 15, 2006, as an addendum to the school district report on instructional priorities.

(c) Abbott schools and school districts shall be accountable to the communities they serve and to the public at large. Such accountability shall include:

1. At least, annual public meeting(s) of each SLC to report and solicit input on student achievement data and adequate yearly progress (AYP) and plans and budgets for the following year.

2. At least, annual public meeting(s) of the school district board of education to report and provide opportunities for public comment on:

- i. School district-wide student achievement, graduation rates and AYP by school, comparisons to other school districts, and progress made toward closing the achievement gap;
- ii. The school district report on instructional priorities' revisions and annual budget.

3. Frequent contact between parents and schools centered on individual student achievement and needs and information on how parents can assist in improving their students' performance.

(d) Schools and school districts shall demonstrate that they meet high standards for the systematic generation, collection, analysis, dis-aggregation and re-aggregation of evidence of student work and performance and that they use these data to make educational decisions, including at least the following:

- 1. Each school district central office shall maintain a student-level database that permits teachers, school administrators and central office supervisors to track student progress year-to-year and school-to-school and to identify school district and school Continuously Enrolled Students;
- 2. The school district central office collection and analysis of at least quarterly assessments of student performance against curricular benchmarks and of the results of state and non-state year-end tests organized by the NCLB subgroups and CES; and
- 3. The school district central office shall prepare data on comparative performance for all schools in the district and make them available to schools.

(e) Abbott schools and school districts shall ensure an intensive early literacy program for preschool to grade 3 to ensure that each student reads on their grade level, with the goal of all students reading on grade level by third grade. The intensive early literacy program shall include the following components:

1. Curriculum and instruction and other program components consistent with the CCCS and the Expectations, Reading First, and evidence-based educational research;
2. Classes with no more than 21 students;
3. Adequate instructional materials including textbooks, if necessary, software, supplies, and equipment that are selected to conform to the district curriculum;
4. Full day kindergarten with a teacher's aide for all students;
5. Emphasis on small group instruction in at least reading, writing and computers with school district-approved software that supports the essential elements of intensive early literacy including assistive technology resources, which can be documented to be aligned with the school district curriculum;
6. A classroom library for grades kindergarten through three of at least 300 titles that reflects the needs of all students including classified students and ELLs, including assistive resources such as books-on-tape and books in the students' native language, and decodable and leveled books;
7. A school library media center, staffed by a certified school library media specialist, and supplied with books that enrich classroom instruction and computers with Internet access and adequate space and facilities for student and teacher use;
8. A comprehensive early literacy screening and assessment program including:

- i. Assessment of ELLs to determine levels of native and English literacy, pursuant to N.J.A.C. 6A:15-1.3;
 - ii. Screening in reading in grades kindergarten through three with the expectation that at least 75 percent of all first graders will be reading on grade level by the end of first grade and that 90 percent of all third graders will be reading on grade level by the end of third grade;
 - iii. Diagnostic assessment of students below reading level leading to tailored support and assistance;
 - iv. Annual assessment of reading and writing with a Division-approved norm-referenced and/or criterion-referenced test with item analysis in grades kindergarten through two; and
 - v. Locally-devised assessment including clear and measurable indicators of progress based on the school district's curriculum and measured periodically with incremental assessments in grades one through three, and implementation of the Early Learning Assessment system (ELAS) in all preschool and kindergarten classrooms by September 2005.
9. A clear structure for at least a daily 90-minute, uninterrupted language arts literacy block in grades kindergarten through three with guidance in the use of that time that may include the following instructional strategies: use of screening instruments to differentiate student needs, small group instruction, direct instruction, guided reading and shared reading;
10. Effective supports and additional time for students with disabilities and English language learners in addition to the services, programs, and resources identified in this subsection;

11. Intensive professional development in the elements of Intensive Early Literacy, consistent with this chapter;

12. Regular opportunities for teachers to discuss and analyze student work, intermediate progress measures, and assessment results and plan any modifications in grouping and/or instruction that may be indicated, consistent with this chapter; and

13. Use of an instructional facilitator or literacy coach to coordinate professional development and collaboration if documented as necessary to increase achievement of early literacy.

(f) Abbott schools and school districts shall continue to implement an intensive literacy program for grades 4-12 using the following components as a guide to transitioning from existing programs to full implementation of the expectations set forth herein by the 2007-08 school year:

1. By the 2005-2006 school year, a school district curriculum that is fully aligned with the CCCS and other initiatives including: Reading Next, Intensive Early Literacy as set forth above in N.J.A.C. 6A:10A-3.1 (d), and the standards in *Improving the Quality of Literacy Education in New Jersey's Middle Grades* which is incorporated herein by reference and found in the Department's website at www.nj.gov/njded/genfo/midliteracy. Such a curriculum is a prerequisite for full implementation of the remaining components by the 2007-08 school year, subject to Department review;

2. By 2005-2006, in self-contained grade 4-8 classrooms, a classroom library of at least 300 titles that are aligned with the school district curriculum to include full-length novels, anthologies and reference materials to improve student ability to read for content, and which reflect the cognitive, academic, and developmental needs of the students in the classroom, including classified

students and English language learners, by providing assistive resources such as books-on-tape, books in the student's native language and books for struggling readers;

3. The school library-media resource center, staffed by a certified school library media specialist, shall have computers with school district-approved instructional software that facilitates reading comprehension and writing proficiency, appropriate books including novels, anthologies and other reference materials, and supplemental materials that motivate students to read in and out of school and to conduct research;

4. By 2005-2006, an engaging and diverse instructional experience that shall include frequent writing assignments including research papers and journals in courses other than language arts and oral presentations;

5. By 2005-2006, a comprehensive literacy assessment for grades 4-12 shall be incorporated in the school district curriculum to measure individual and group progress indicated below:

i. Benchmarks of student achievement in the school district curriculum that are measured at least quarterly using grades, writing samples, project-based learning activities, and records of classroom observations conducted by teachers, reading/language arts specialists, curriculum specialists and supervisors;

ii. Assessments for English language learners to determine levels of native and English literacy, pursuant to N.J.A.C. 6A:15-1.3;

iii. Assessments for students reading and writing below grade level to explain their under-performance and determine the assistance required to bring them up to grade level; and

iv. Annual non-state tests recommended by the Division in grades 5-7 and 9-10 that permit item analyses.

6. By 2005-2006 if possible, but not later than 2006-2007, an uninterrupted language arts literacy block, ranging from 80-120 minutes daily for all students in grades 4-8;

7. By 2005-2006, accommodations for English language learners in addition to the services, programs and resources identified in this subsection such as: assessments in the native language, native language literacy instruction, transitional bilingual education, bilingual support services, and high intensity ESL and ESL reading;

8. Special support for students whose first language is other than English and whose mastery of English is incomplete, including students not categorized as LEP;

9. Accommodations for students with disabilities in addition to the services, programs and resources identified in this subsection;

10. Emphasis on small group instruction, evidence-based interventions, and additional time on task for students reading below grade level;

11. Professional development opportunities for teachers and administrators shall be based on effective instructional practices that include:

i. Annual school district and school-level assessment of teacher mastery of CCCS, and of skills to engage all students, the results of which shall be reflected in Professional Improvement Plans (PIP) and professional development opportunities;

ii. Scheduled opportunities for teachers and administrators to analyze student work and assessment results together; and

iii. A school district curriculum aligned with the CCCS as specified in N.J.A.C. 6A:10A-3.1(a).

12. At least bi-annual school-level parent/family/community support activities that are conducted by teachers and school administrators to increase family participation in student learning and homework.

6A:10A-3.2 Secondary Education Initiatives

(a) In 2005-2006, the Department shall continue to provide professional development and other assistance to school districts and schools to implement the secondary education program specified below.

(b) Four Abbott school districts selected for phase one to plan for the creation of smaller and more personalized learning environments for students in grades 6-12 shall work with the Department and its consultants. The goal of this work is to test the standards and practices that are incorporated as Appendix B to these regulations leading to the implementation of small learning communities or small schools in those four school districts by September 2006 if possible. The lessons learned from this work shall be used to modify the standards for secondary education included herein before their application to all Abbott school districts.

(c) By September 2005, all school districts shall create a planning team to address issues of greater academic rigor, personalization, and professional development, as well as implications for budget and facility needs. The planning team shall be appointed by the superintendent to be representative of principals, content supervisors, teachers, senior instructional leadership, school

counselors, the community and the board of education. The teams shall address the essential components of the secondary education program, which are called Abbott Secondary Education Regulations, which include:

1. Implementation of the first phase of small organizational structures as set forth in (b) above.
2. Greater personalization for all secondary students so that by the target date, September 2008, schools are organized to implement the standards for personalization of education as modified by the results of the first phase, unless the school district can demonstrate that the goals are being achieved by alternative means.
3. A P-12 curriculum that is fully aligned to the CCCS to prepare all students in grades six through 8 for college preparatory coursework in high school and all students in grades 9 through 12 for collegiate instruction after graduation. All courses prescribed by the curriculum shall be in place by January 2008. All students who enter secondary schools after this date shall take a course of study that, however organized, prepares them for college-level work. All courses required for graduation shall:
 - i. Be developed, reviewed, evaluated and revised by a broad cross-section of teachers, content supervisors and principals;
 - ii. Satisfy the CCCS and core proficiency indicators and standards in each content area;
 - iii. State clearly the purpose of instruction including the essential content to be mastered in each course with interim benchmarks and assessments and final assessments; and

iv. Organize instruction by themes, including projects that involve more than one discipline, integrate career interests, and with other suggested activities intended to reduce boredom and increase engagement.

4. Instruction that engages students to produce both high quality work and increased student satisfaction. School districts shall survey student engagement and learning, and assess teachers' abilities to teach the content of the CCCS as follows:

i. Apply teaching strategies to accommodate individual learning styles and interests;

ii. Assign only student work that requires grade-level or higher performance from all students;

iii. Engage all students with independent and group learning projects across disciplines;

iv. Assist students who are struggling and challenge students who have attained proficiency to deepen and broaden their learning;

v. Offer all honors, advanced level courses, and Advanced Placement (AP) courses to all students who satisfy the pre-requisites. Independent individual or group study courses may be offered with the approval of the school principal and superintendent of schools. A variety of electives shall be available;

vi. Offer collaborative professional development to increase collegiality, a culture of inquiry and the use of student work to improve teaching and learning and to meet the goals of school district and individual professional improvement plans to include:

(1) Teacher and administrator Professional Improvement Plans (PIP) that incorporate the professional development planned to improve implementation of these regulations; and

(2) Evaluation of secondary principals that is based on implementation of the standards and practices of these regulations.

5. The Department shall work with school districts to develop indicators and benchmarks for evaluating the implementation of the standards and practices for secondary education and for measuring student achievement. These measures shall be reported at multiple levels (small learning community, school, and school district) and shall include such items as:

- i. Student and teacher attendance rates;
- ii. The number and percentage of ninth graders completing Algebra I successfully;
- iii. Instructional time/days missed due to in-school and out-of-school suspensions and other disciplinary infractions;
- iv. Grades and completion rates for all courses required to be completed for graduation;
- v. Performance of students on state assessments;
- vi. Persistence of students from grade level to grade level and to graduation from high school; and
- vii. Enrollment in, persistence with, and completion of postsecondary education.

6. By March 1, 2006, each Abbott school district shall submit a study of all students who graduated by Special Review Assessment (SRA) in the school year ended June 30, 2005. The study shall include a review of the courses taken in grades 9-12, with the grades achieved, and the attendance record for each year. There shall be a determination of the proportion of SRA graduates who satisfactorily completed the courses required for graduation and their scores on the HSPA tests in each discipline and for each time the test was taken.

7. The Secondary Education Advisory Committee, formed in 2004-2005, shall continue to function, advising the Department on the implementation of the secondary education initiative and promoting the initiative statewide.

6A:10A-3.3 School district two-year report on instructional priorities

(a) The Department shall meet with the CSA to share the results of the school district and Department analyses of student achievement as a part of the face-to-face conversation held by the Department with each school district. The Department and CSA shall seek to agree on the priorities to be included in the school district's two-year report on instructional priorities to cover the years beginning July 1, 2006.

(b) By November 15, 2005 and annually thereafter, each Abbott district board of education shall submit a school district two-year report on instructional priorities in a form prescribed by the Department. The primary purpose of the report is to indicate the progress the school district is making in guaranteeing that all Abbott students are taught the content of the CCCS. The report shall also include the progress the school district is making in the implementation of a high-quality preschool program that is aligned with the Expectations. The report shall include specific instructional goals, measures of progress, and a schedule for the 2006-2007 school year that shall be updated annually. The report shall also indicate the progress the school district is making in serving all eligible preschool children and the plan for achieving that goal, and in the implementation of a high-quality preschool that is aligned to the Expectations. In preparing the report, school districts shall review the Chart of Supplemental Programs to determine remedies that may be effective in meeting the school districts' particular needs. In accordance with N.J.A.C. 6A:10A-4.3(d)1, the school district shall include the programs, services or positions in

the school district report on instructional priorities that exceed the baseline on the Chart together with the documentation of need and effectiveness. The report shall have two sections:

1. A section on five foundational education standards and practices that reflect the school district's capacity to teach the CCCS:

i. The status of the school district's P-12 curriculum gauged by the standards for curriculum set forth in 3.1(a);

ii. The status of the school district's professional development program against the standards set forth in 3.1(b);

iii. The status of the school district's capacity to use evidence of student performance and to report to schools, the public, and the Department against the standards set forth in 3.1(c);

iv. The status and effectiveness of school district policies and practices to recruit, support, and retain qualified teachers and principals and to identify, mentor, and train potential leaders; and

v. The status of the school district's capacity to assist schools where a disproportionate number of students do not master the CCCS.

2. A section on specific instructional goals and practices to include the following seven areas:

i. In the area of preschool, the school district's two-year plan to achieve enrollment of at least 90 percent of the universe of eligible children, to fully include Head Start programs, to assess continuously the specific educational needs of its children, to continue to increase the quality of preschool programs in school district and provider settings, and to align the educational practices

in the preschool program with the curricular and instructional practices of the school district's K-3 grades. The plan shall include the elements set forth in N.J.A.C. 6A:10A-2 and previously included in the preschool three-year operational plan and shall be submitted on a form to be provided by the Department. The plan shall include but not be limited to the following items:

- (1) Procedures for ensuring that the preschool program offered by the local Head Start program meets the requirements at N.J.A.C. 6A:10A-2.2(b) where applicable;
- (2) Student needs as determined by at least the ELAS, the reports of preschool intervention and referral teams, reports of master teachers, the school district's self evaluation, and demographic information from the Uniform Preschool Enrollment Form;
- (3) Facilities required to reach presently unserved children and the recruitment plan to enroll them;
- (4) Level of implementation of the Department-approved preschool curriculum and plans for reaching and maintaining high-quality;
- (5) Approaches to helping English Language Learners acquire English while maintaining their home language;
- (6) Inclusion of preschool children with special needs in general education settings to the maximum extent possible;
- (7) The effectiveness of current family involvement activities and programs; and

(8) The articulation of the preschool program with kindergarten, including evidence that preschool and kindergarten teachers exchange program and curricular information with the individual results of the ELAS included for the kindergarten teacher, and a transition plan for preschool families to prepare for kindergarten.

ii. The school district's status of, and plans for, fully implementing the practices and standards of intensive early literacy to the standards set forth in subchapter 3.1(e) and middle grades literacy to the standards set forth in 3.1(f);

iii. The school district's status of, and plans for, assuring that every student is taught the CCCS for math with particular attention to the cumulative content required in grades 5 through 8 to prepare all students for the GEPA mathematics subtest and the specific steps to be taken in 2005-2006 to eliminate math courses with titles like "business math," "essentials of math," and "fundamentals of math;"

iv. The status of, and plans for, assuring that every student is taught the CCCS for science;

v. With respect to the four above instructional objectives, the status of ELLs as measured by the standards set forth in 3.1(a);

vi. With respect to preschool, literacy, math, and science, the status and performance of students classified as disabled; and

vii. The current status of efforts to plan for the conversion of large schools serving students in grades 6-12 to small schools or small learning communities as set forth in section 3.2.

3. A school district may include in its report any instructional priority adopted by the school district to meet a demonstrated need and documented instructional needs not covered by N.J.A.C. 6A:10A-3.3(b)(1-2).

SUBCHAPTER 4: SCHOOL DISTRICT RESPONSIBILITIES FOR IMPROVED STANDARDS-BASED INSTRUCTION AND LEARNING.

6A:10A-4.1 Role of the Abbott district board of education

(a) The district board of education is responsible for the education of all its students and the effective and efficient operation of all schools and the school district.

(b) Each Abbott district board of education shall approve and submit by November 15 of the pre-budget year, the school district two-year report on instructional priorities as prescribed in N.J.A.C 6A:10A-3.3.

(c) The Abbott district board of education shall adopt a school district budget for the 2006-2007 year on the schedule prescribed by the Department, which shall reflect the instructional priorities set forth in the school district two-year report on instructional priorities and the priority to maximally efficient operations and business practices.

(d) The district board of education shall be responsible for the appointment and performance review of a highly qualified superintendent, consistent with N.J.A.C. 6A:9, Professional Licensure and Standards, and be guided by the Professional Standards for the Superintendency, developed by the American Association of School Administrators, 1993, in appointing a new superintendent and in assessing superintendent effectiveness. The Professional Standards shall be incorporated herein by reference and may be obtained from the New Jersey Department of

Education, Division of Abbott Implementation, 100 River View Plaza, P.O. Box 500, Trenton, N.J., 08025-0500 or found on the Department's website at www.state.nj.us/education.

(e) The district board of education shall adopt policies on the duties and responsibilities of SLCs, established in N.J.A.C. 6A:10A-5.3.

6A:10A-4.2 Role of the Abbott school district central office in improved teaching and learning and efficient operations.

(a) The Chief School Administrator shall be responsible for the guarantee that every Abbott student shall be instructed and supported to master the CCCS and graduate from high school. The CSA is responsible for a coherent and clear district-wide implementation of standards-based instruction as detailed in N.J.A.C 6A:10A-3.1(a) through (e), N.J.A.C 6A-10A-3.2, and AWSRD regulations.

(b) The CSA is responsible for achieving the foundational education standards set forth in N.J.A.C. 6A:10A-3.1 including a continuously-evaluated school district curriculum, a school district professional development plan, improved use of student achievement evidence throughout the school district, a human resources effort to recruit and retain qualified instructional leadership and classroom teachers, and concrete assistance to schools categorized as "in need of improvement" by NCLB or as "low performing" by these regulations as adjusted by the Commissioner.

1. In ensuring that each school is led by a qualified and effective school principal, the CSA shall be guided by the 1996 Standards for School Leaders, developed by the Interstate School Leaders Licensure Consortium (ISLLC) under the guidance of the Council of Chief School

Administrators in assessing school principal effectiveness. The Interstate Standards for School Leaders shall be incorporated herein by reference as amended and supplemented and which may be obtained from the New Jersey Department of Education, Division of Abbott Implementation, 100 River View Plaza, P.O. Box 500, Trenton, N.J., 08625-0500 or found on the Department's web site at www.state.nj.us/education; and

i. Regularly assess, and provide for, the professional needs of all school principals to achieve the objectives of this chapter and to evaluate them on the improvements in student achievement.

2. Establish a comprehensive and effective human resource program that includes the identification and nurture of potential instructional leaders from the teacher ranks, special support and mentoring for inexperienced or ineffective instructional staff, and a close connection of human resources efforts to the instructional priorities set forth in the school district two-year report on instructional priorities.

6A:10A-4.3 School district central office support for schools

(a) The CSA shall establish a central research, assessment, and data management capacity in collaboration with schools and the Department including an electronic student-level database. Each school district shall collect and analyze student, teacher and school data including state and non-state summative tests and at least quarterly interim assessments specified in the school district curriculum, attendance, professional development and documented needs. The school district shall:

1. Assist schools with data collection and analysis for assessing student instructional needs, including the subgroup for Continuously Enrolled Students-District and Continuously Enrolled

Students-School, to be used to prepare the school two-year report on instructional priorities, review school budgets, and report disaggregated and longitudinal student results as required by NCLB; and

2. Report at least annually to the district board of education and the public the school-level and disaggregated by NCLB subgroup data on student performance on the state assessments.

(b) The Abbott school district central office shall provide direct assistance to schools in planning and budgeting to assure the implementation of the school two-year report on instructional priorities and the school budget for FY 2007 by:

1. Preparing complete, accurate and timely draft school budgets for FY 2007 by December 1, 2005 that include 2004-2005 actual expenditures, 2005-2006 budgeted appropriations and current year line items, and providing guidance to SLCs in reviewing and making recommendations about school budgets; and

2. Revising the preliminary school budgets to accommodate any reallocation, increase, restoration, modification, reduction or elimination and/or reforms, programs, and services as identified by the SLC and/or school district through the process specified in N.J.A.C. 6A:10A-5.2(b) below and any revisions required to conform to school district policies.

(c) The CSA shall ensure that each school establishes an SLC, pursuant to this chapter; adopts school district policies for its membership, selection, training and operation consistent with this chapter and district board of education policies.

(d) The CSA shall ensure that each elementary school continues to implement a Department-approved national WSR model or the school district may implement a school- or school district-developed alternative whole school reform design (AWSRD), through the process described herein.

1. The CSA shall be responsible for documenting that each school provides the programs and services identified in Abbott V and reinforced in Abbott X as referenced by the “Chart of Supplemental Programs,” (Appendix A), and that they are contributing to improved teaching and learning. Such programs and services, depending on documented need and effectiveness, shall be adjusted to provide none, less, or more than any Court-identified baseline in the Chart. School districts that determine that “more” of any of the programs and services on the chart are required to address documented student needs, shall report those additions and the documentation for their need and effectiveness in the school district report on instructional priorities. The school district shall list on its report on instructional priorities any contract that has been in force since July 1, 2002 or earlier together with the documentation of the contribution that contract provider has made to improved student academic achievement, directly or indirectly.

2. Schools that document that the objectives, practices, and standards of their WSR model have been fully incorporated into their operations and/or can demonstrate that the model distracts from the realization of the academic goals specified in N.J.A.C. 6A:10A-3, and/or did not contribute sufficiently to improved student achievement, shall work with the school district central office to determine if a different, Department-approved model can be adopted to strengthen teaching and learning.

3. Where the school district and school agree that the students in that school would benefit most from a distinctive and alternative design of instruction and governance, the CSA shall apply to the Commissioner for approval of the school AWSRD. Such applications shall be submitted at any time the following standards and procedures have been met and shall include:

i. Evidence and school and school district analyses of the academic performance of the school longitudinally, by NCLB subgroup and CES to highlight particular student needs that can best be met by an instructional design distinctive to that school and the reasons that the students in that school are not better served by participating in a district-wide AWSRD;

ii. An instructional framework that emphasizes language arts literacy, science and mathematics, is aligned to the CCCS and is modified for special populations (bilingual/ESL and disabled) as needed;

iii. A modified or initial school two-year report on instructional priorities and annual budget that specifies how the design will be implemented, the schedule and sequence for implementation, and the costs as reflected in the school budget as approved by the SLC; and

iv. A plan for reviewing and evaluating the AWSRD that includes the specific interim benchmarks and assessments to be used.

(e) A school district central office that concludes, in cooperation with its elementary schools, that students in that school district would be best served by one design or model of instruction, professional development, assessment, and support for teachers and students shall apply to the Commissioner for approval of a district-wide AWSRD. Such applications shall be submitted to the Department and shall include:

1. Evidence and school and school district analyses of the academic performance of the school district longitudinally, by NCLB subgroup and CES to highlight particular student needs that can best be met by an instructional design distinctive to all school district schools;
 2. The extent to which the school district meets the criteria set forth by the foundational education standards as described in N.J.A.C. 6A:10A-3.1(a)-(d);
 3. The extent to which the AWSRD coincides with the school district two-year report on instructional priorities and provides evidence for its academic priorities in literacy, math and science;
 4. The status of Intensive Early Literacy standards and practices, including the schedule and sequence for full implementation and the articulation with middle grades literacy standards (grades four and five);
 5. The status of the school district's implementation of the articulation of practices and standards of quality preschool education and Intensive Early Literacy;
 6. The coherence of the mathematics curriculum and practices, including the school district's progress with increasing rigor in lower grades and establishing curriculum links in support of greater GEPA proficiency and student mastery of Algebra I and higher-order thinking skills; and
 7. If applicable, status of CAPA recommendations, including the level of technical assistance and follow-up support provided by the school district to address the CAPA report findings.
- (f) The Department shall review requests for school or school district AWSRDs based on the following:

1. The applications for school AWSRD shall be reviewed by the Department based on the following standards:

i. Confirmation that at least three years of data have been analyzed documenting that current models fail to support student mastery of core curriculum content standards, as evidenced by performance on state and local assessments;

ii. The instructional framework consists of a comprehensive design that emphasizes language arts literacy and mathematics, pursuant to N.J.A.C. 6A:10A-3.1(a);

iii. The school two-year report on instructional priorities and annual budget specifies, when appropriate, how the AWSRD will be implemented, the schedule and sequence for implementation, and the costs as reflected in the school budget as approved by the SLC; and

iv. Evidence of the specific interim benchmarks and assessments used to evaluate AWSRD.

2. All applications for school district AWSRD shall be reviewed by Department staff based on the following standards:

i. The school district shall produce at least three years of evidence and analyses of the academic performance of the school district longitudinally, by NCLB subgroup and CES;

ii. The school district shall document the extent to which the criteria set forth by the foundational education standards as described in N.J.A.C. 6A:10A-3.1(a)–(c);

iii. The school district AWSRD coincides with the District Report on Instructional Priorities or proposes revisions to the Report;

iv. The school district is fully implementing Intensive Early Literacy standards and practices in all schools pursuant to N.J.A.C. 6A:10A-3.1(d);

v. The school district shall provide evidence documenting its progress with implementation of the articulation of practices and standards of quality preschool education and Intensive Early Literacy;

vi. The school district shall provide evidence documenting its progress with implementation of coherence of the mathematics curriculum and practices pursuant to N.J.A.C. 6A:10A-3.1(a); and

vii. If applicable, the school district shall provide documentation of the status of technical assistance and follow-up support provided by the school district to address the CAPA report recommendations.

(g) The CSA shall insure that class size is reduced in every school to 21 in grades kindergarten through three, 23 in grades four and five, and 24 in grades six and beyond. Class size requirements may be temporarily suspended until a school facility's rehabilitation or replacement has been completed, if the SLC can successfully demonstrate the effective utilization of existing space and the need for such temporary suspension.

6A:10A-4.4 The school district responsibilities for schools making insufficient academic progress

(a) The chief school administrator (CSA) in any school district with low performing schools (LPS) shall work with the Department and the CAPA leader to provide required information and

ensure the participation of all relevant school district staff in the review of school district supports for LPS.

1. The CAPA and CSA meeting shall precede school assessment visits and shall include attention to the status of efforts to provide all schools with a coherent curriculum, targeted professional development, data and analyses of student performance, and profiles of the LPS.

2. The CSA shall designate central office staff to serve as members of, and liaison to, the CAPA team(s).

(b) On completion of the draft reports for each school, the CSA shall reach agreement with the CAPA team, the Department and the LPS principal(s) on the specific steps to be taken to improve student achievement for each school, and the school district's responsibilities, which agreement shall be termed the Improvement Agreement, subject to the Commissioner's approval and public distribution consistent with Abbott X.

Subchapter 5. The Abbott School's Role In Standards-Based Instruction

6A:10A-5.1 Role of the school principal in improving standards-based instruction and learning

(a) The Abbott school principal's role is to create the conditions so that all students master the CCCS. An Abbott school principal shall participate visibly and actively in the instructional life of the school and, further, ensure:

1. That the faculty and other staff and the students are focused on teaching and learning, and that the measure of the school is in the academic achievement of its students;

2. The establishment of a culture of inquiry and professional growth among school staff leading to improved teaching and learning;
3. Growth of parent and family engagement in the instructional life of their children and support for the school including facilitating opportunities for families, teachers and other school staff to work together with the school principal for the purpose of connecting parents and guardians to the academic work of their children with particular emphasis on instructional expectations, the content of instruction and homework assistance;
4. The effective development and operation of the SLC, including SLC member professional development;
5. Effective relations with the school district central office, model developers, or other providers of professional development and technical assistance; and
6. Should the school be designated LPS, the principal shall ensure that all required information is provided to the CAPA teams and that the faculty, staff, and SLC participate as needed in the assessment of the school.

6A:10A-5.2 Preparation, review and implementation of the school two-year report on instructional priorities and the school budget

(a) By November 1, 2005, each Abbott school shall complete a two-year report on instructional priorities for the years beginning July 2006 based on the evidence of student work and accomplishment that gives the best hypotheses to explain the reasons for both low and improved performance and specifies the specific actions to be taken to improve teaching and learning. The

report shall be submitted to the school district central office in a format provided by the Commissioner to include at least the following:

1. A detailed assessment of student performance that includes analysis of state assessments reported by NCLB subgroups and by CES, other assessments required by the Abbott Division (ELAS and K-2 norm or criterion-referenced non-state tests), or school district, with the percentage of first and third graders reading on grade level in June 2005, a compilation of the results from interim school district or school assessments produced during the 2004-2005 school year, and an analysis of obstacles to improved student achievement for literacy and math;

i. In elementary schools, a status report on the implementation of the elements of Intensive Early Literacy, certification that all elements are in place, with a listing of specific exceptions (e.g., third-grade classes have classroom libraries of fewer than the 300 titles prescribed) and the specific connections to preschools contributing noticeable numbers of kindergarten students. The elementary school shall include a status report on the implementation of WSR or AWRSD. In schools with middle grades, a report on the extent to which required and recommended practices for literacy in the middle grades are implemented and the schedule for implementing practices not yet in place;

ii. In schools with middle grades, an assessment of the mathematics preparation for the GEPA math subtest, with particular attention to the cumulative concepts and skills that must be learned in grades five through eight and the preparation of teachers in those grades to master the content and support the skills required. In schools with any of the grades six through 12, the report shall include the extent to which the standards and practices specified in N.J.A.C. 6A:10A-3.2(c) have been implemented and a schedule for implementing the balance;

- iii. In schools with grades 6 to 12, a report on the status of science instruction as defined by the NJCCCS and school district curriculum to include the identification of obstacles to improved instruction.
- iv. Evidence that the documented needs of special education students and English language learners are being met including the performance of ELL students one year after leaving LEP, and specific proposals for lowering any obstacles identified;
- v. If an elementary school, a description of the WSR model or AWSRD being implemented with documentation of the extent of implementation and the specific plans for completing implementation;
- vi. If applicable, implementation of the recommendations of the CAPA team;
- vii. If a high school, and in coordination with the school district central office as detailed at N.J.A.C. 6A:10A-3.2(c)(6), an analysis of June 2005 seniors who graduated via Special Review Assessment (SRA) including their grades, courses, and attendance in grades nine through 12 and the results of any counseling, special services, extended day or extended year program participation;
- viii. A list of any contract, program, vendor, service, or position provided by contract with an outside vendor bearing on instruction that has been in force since July 2002 or earlier with the documentation that the contribution to improved teaching and learning by the vendor is sufficient to justify continuation and an explanation as to why the school is not able to provide the service to itself after three years of outside assistance;

viii. A list of any contract, program, position, service, remedy or vendor recommended for expansion or a new contract for the current or next academic year, together with the rationale, expectations for, and cost of the recommended contract; and

ix. The evidence that science instruction and materials, teacher training and facilities match the requirements of the school district curriculum and prepare students for the eighth and eleventh grade science tests.

(b) The school two-year report on instructional priorities shall be prepared under the principal's leadership, shall involve the participation of all faculty members, and be approved by the SLC.

(c) The school report on instructional priorities shall be approved by the district board of education.

(d) By February 1, 2006, each Abbott school shall submit a school budget to the school district central office.

1. The draft school budget shall be prepared by the school district central office and distributed to each school by December 1, 2005 beginning with 2004-2005 actual expenditures, 2005-2006 budgeted appropriations, and current year line items. The school shall submit the budget to the school district central office by February 1, 2006.

2. Be revised, if necessary, by the school district central office to ensure adequate support for instructionally effective practices based on the evidence of student performance and adjustments for programs and contracts not documented as effective; to ensure alignment with school district curricular and professional development standards and practices; to eliminate expenditures for

ineffective practices and programs, and be incorporated as revised with the school district two-year report on instructional priorities.

3. The school district central office shall assist the school principal and SLC in documenting and analyzing student and school needs, developing effective practices to address those needs, as provided in (a)1 above, and in preparing the final document.

4. The SLC shall provide opportunities for parents and teachers to review and comment on the revisions to the school two-year report on instructional priorities and the school budget before its adoption by a majority vote of the SLC.

5. The CSA shall not alter the school two-year report on instructional priorities without prior consultation with the SLC.

6A:10A-5.3 Establishment of School Leadership Councils

(a) Each school shall have an SLC to facilitate the participation of the school principal, teachers, staff, parents, grandparents or guardians, and the community to develop a culture of cooperation, accountability and commitment, all with a focus on improving student achievement.

1. The SLC shall assist in the development of, and approve, the school two-year report on instructional priorities and the annual school budget.

2. The SLC shall concentrate on the objective of universal mastery of the CCCS and helping to create a climate of cooperation and focus on student achievement. The school principal and instructional staff are responsible for implementation; no SLC shall manage the day-to-day implementation of school policies.

(b) SLC membership shall include the building school principal, representatives of teachers, the non-instructional support staff, parents, and the community. The SLC may include students. District board of education members shall not serve on the SLC. Parents employed by the school district, but not employed at the school, are eligible to serve on an SLC as a parent representative. No group identified above shall constitute more than 50 percent of the SLC membership.

(c) Election of representatives to the SLC shall be as follows:

1. Certificated staff members shall elect representatives of certificated staff. The election process shall be agreed upon and conducted jointly by the school principal and the building representative of the bargaining unit, or his or her designee if the building representative is a candidate.

2. Non-certificated staff members shall elect non-certificated staff representatives. The election process shall be agreed upon and conducted jointly by the school principal and the building representative of the bargaining unit, or his or her designee if the building representative is a candidate.

3. Parents and guardians shall elect parent representatives. The election process shall be agreed upon and conducted jointly by the school principal and the president or chairperson of the school's parent organization/association or his or her designee if the parent leader is a candidate in the election. Such election shall only occur after notifications have been sent home with the students and other steps have been taken to attract a broad and diverse candidate pool and to

assure maximum participation in the election. A parent who is an employee may not be a parent representative at the school where he or she is employed; and

4. The community representative(s) shall be nominated by the school principal and approved by the SLC.

(d) An SLC shall operate as follows:

1. The minimum term for each representative is two years. Terms shall be staggered to ensure continuity. A representative who has served his or her term may be eligible for re-election if nominated and elected in accordance with subsection (c) above. A parent with children in more than one school may be elected to serve on more than one SLC, if permitted by the school district guidelines.

2. The school district shall issue guidelines for SLC operations, for SLC elections and for the removal of SLC members in accordance with this chapter. The guidelines shall suggest means of effective outreach to improve participation by parents, guardians and the community.

3. A member of the SLC shall receive no compensation for his or her services except that:

i. This provision shall not preclude payments to an employee pursuant to a collective bargaining agreement for hours beyond the school work day; and

ii. A member of the SLC may be reimbursed for reasonable expenses at the discretion of the school district.

4. The SLC shall meet at least monthly in public sessions publicized in advance. The times, place and dates of meetings shall be agreed to by a majority of the SLC membership.
5. The SLC may establish subcommittees and working groups as needed. Membership on subcommittees and working groups shall be open to members of the school community not serving on the SLC.
6. The SLC shall adopt by-laws that are consistent with school district guidelines and requirements and the provisions of this chapter.
7. The SLC may report difficulties that threaten the orderly discharge of its responsibilities to the CSA, who shall assist in resolving such difficulties by providing mediation, additional training or technical support.
8. Any SLC not in compliance with this chapter or which has been characterized as ineffective by a CAPA team, shall, with the CSA, produce a transition plan that identifies actions to make the SLC more effective, which may include requests for appropriate waivers or equivalencies of the requirements established in this chapter.

6A:10A-5.4 Roles and responsibilities of School Leadership Councils

- (a) The SLC shall be the collaborative advisory and decision-making body to improve teaching and learning in the school. The SLC shall, under the leadership of the school principal:
 1. Continuously analyze student performance assessment data; and work with the school principal and faculty to identify obstacles to improved performance;

2. Review the school-based budget prepared by the school district central office for accuracy and to ensure that the needs of students, faculty and the school are addressed. The SLC may propose modifications, consistent with the school district budgeting procedures and criteria. The SLC must document its recommendations;
3. Participate in training provided by the school district or Department;
4. If the SLC has completed all school district training to participate in principal selection, the SLC shall recommend three candidates for school principal to the CSA. If the SLC is eligible to participate in school principal interviews, the school principal vacancy shall not be filled without its recommendation;
5. Collaborate with the CAPA team;
6. Develop the school report on instructional priorities, review its implementation amend it in light of performance data and circumstances, and make it available to the school community and the school district; and
7. Maintain minutes and an agenda for all SLC meetings and make them available to the school community. Copies of the minutes shall be transmitted on a timely basis to the CSA.

6A:10-5.5 Training of School Leadership Council members

(a) The school district shall provide training to SLC members, for which it may request the assistance of the LST. The training shall include, but not be limited to:

1. Roles, relationships and responsibilities of the SLC;

2. Development, implementation and evaluation of the school two-year report on instructional priorities and the school's annual budget;
 3. Assessment of instructional needs, use of test results and other measures of student achievement to identify obstacles to improving student achievement, and identification of possible instructional strategies to reduce such obstacles;
 4. Curriculum and instruction including the scope and content of the CCCS; as well as the school's obligations to, and programs for, ELL students and special education students;
 5. Teamwork and consensus building;
 6. Personnel, including certification requirements, NCLB standards for highly qualified teachers and the classroom observation and evaluation process; and
 7. The requirements of NCLB and other laws or regulations that govern school operations and the delivery of instruction.
- (b) The CSA shall remove a SLC member who has not fulfilled the training requirement. Any member so removed may appeal to the Commissioner, pursuant to N.J.A.C. 6A:3, Controversies and Disputes.

Subchapter 6. The Department of Education's Role In School Improvement

6A:10A-6.1 Improving the Division of Abbott Implementation's organizational capacity to support Abbott school improvement

(a) The Division shall operate to the same standards it expects of Abbott school districts and schools in respect to the recruitment, retention, professional development, evaluation and effective deployment of its professional staff.

6A:10A-6.2 Providing leadership for improved teaching and learning in the Abbott school districts

(a) The Division shall collect, analyze, and disseminate research and data about students and their schools. The Division shall:

1. Analyze the results on state tests of all Abbott school districts and share analyses with school districts as a part of the annual face-to-face conversation; and
2. Prepare a report that is available on the Division's web pages and that aggregates and disaggregates school and school district-level achievement data.

(b) The Division shall support school districts in their primary effort to guarantee that all Abbott students are given the support and opportunity to master the CCCS and concentrate its assistance on school districts where the achievement gaps are greatest. The Division shall:

1. Designate Department staff to serve on LSTs to be assigned as needed to school districts or to specific instructional areas to improve the capacity of school district central offices to improve student achievement.
2. Recruit and deploy educational practitioners as employees or consultants who can assist school districts with priority instructional issues and practices in literacy, math, science, English language learners, special education, or increased academic rigor in secondary grades.

3. Issue decisions on Abbott school district budgets in accordance with the Supreme Court's May 21, 2003 order, but in no case later than the last business day of May 2006.

4. Recruit, train, and deploy CAPA teams to match the needs of individual schools and to comply with federal requirements as necessary, or requirements of Abbott X, NCLB, or for other purposes, with the approval of the CSA.

5. Provide forms and guidance to permit school districts to apply for waivers in accordance with N.J.A.C. 6A:5, Regulatory Equivalency and Waiver.

6. Provide support directly to school districts, and to schools when possible, that are implementing CAPA recommendations.

(c) The Division shall establish partnerships with practitioners, researchers, providers of technical assistance and professional development, and recognized experts. The Division shall:

1. Collaborate with institutions of higher education, schools and school districts to improve instruction, prepare teachers and administrators to be more effective, and to undertake research;

2. Contract with providers of technical assistance and/or professional development to schools and/or school district central offices, including model developers, universities, consultants and others; and

3. Encourage the evaluation and study of Abbott student achievement, reforms, programs, and services by scholars and researchers.

(d) The Division shall seek the cooperation of other divisions of the Department to coordinate the reports, calendar, and requirements of other Federal and State programs that impose mandates on Abbott school districts, with particular attention to NCLB and special education.

6A:10A-6.3 Low and High Performing Schools

(a) Any school designated as LPS as defined by these regulations shall be assessed one time by a CAPA team organized, trained, and deployed by the Department per the following:

1. The CAPA team's composition shall be determined by the particular needs of the school to be assessed and Abbott X.
2. The CAPA team leader and the Abbott Division assistant commissioner or his designee shall first meet with the school district CSA to review the status of foundational education, literacy and math support, and the school district's diagnosis of each LPS.
3. The CAPA school visit shall be guided by Department's standards for school scholastic audits and Abbott X, to include a review of the effectiveness of any currently-contracted WSR model and a recommendation on its retention, modification, or discontinuation.
4. The CAPA team report shall be reviewed in draft form by the school, school district central office, and the Department and an agreement reached that is to be approved by the Commissioner, made public and incorporated into the school and school district two-year reports on instructional priorities.

(b) The commissioner shall designate schools as high performing using the results of NJASK3 and NJ ASK4 for purposes of determining schools that may be subject to the provisions of Abbott X.

(c) School districts approved for AWSRD shall implement the model school district-wide except for high-performing schools that document the advantages of maintaining their contracts with WSR vendors or that have been approved for a school-level AWSRD or a new WSR model. All other schools shall be supported by the school district central office in making the transition from their current WSR model to AWSRD.

6A:10A-6.4 Dispute resolution

(a) The Department shall facilitate agreements or mediate disagreements between SLCs and school management, SLCs and the school district central office, or complaints from SLC members that bear on the implementation of this chapter. Primary responsibility for resolving disagreements shall remain with the school district.

Subchapter 7: Cost Efficiency, Education Opportunity Aid And Discretionary Education Opportunity Aid

6A:10A-7.1 Discretionary education opportunity aid (DEOA) governance and mid-year awards, adjustments and applications

(a) The Department shall withhold the disbursement of DEOA to school districts that fail to meet minimal, customary, and statutory standards of efficient financial management and business operations and that do not follow customary, basic and required instructional standards, policies

and practices. School districts shall be notified by the Division of the areas from the following list of minimal, customary, required and statutory standards and practices in which the Department deemed the school district to be deficient and the dates for compliance. Failure to address the deficiencies by the regulatory date shall be a basis for withholding of DEOA, until the Department has determined that the school district has fully complied with all of the directives. The conditions for receipt of DEOA follow:

1. The school district's CAFR to be submitted by November 7, 2005 does not include any material qualifications or an adverse opinion by the auditor to the school district's adherence to generally accepted accounting principles and financial management. School districts that received a qualified or adverse audit opinion shall certify by December 1, following the CAFR balance sheet date, that the reasons for the qualified or adverse audit opinion have been corrected and to have that correction confirmed by the auditor;
2. The school district did not incur a deficit in its most recent fiscal year as documented by its CAFR. School districts that incurred a deficit in that year shall file a plan by December 1 following the CAFR balance sheet date that the conditions producing the deficit have been corrected and that sufficient financial controls are in place to prevent a recurrence as confirmed by the auditor for the fiscal year in which the deficit occurred and approved by the Department;
3. The school district continues to participate in all available cost-savings programs that include the Alliance for Competitive Energy Services (ACES), the Alliance for Competitive Telecommunications (ACT), the New Jersey School Boards Association Insurance Group (NJSBAIG) or a joint insurance fund, the New Jersey State Health Benefits Plan or continues to demonstrate savings equal to or greater than the savings that would have been generated by

participating in these cost-savings programs, and is current in submitting all claims for reimbursable costs under the Federal E-rate program for encouraging the use of the Internet;

4. The school district's Auditor's Management Report submitted with the CAFR did not contain repeat audit findings. School districts that had repeat audit findings in the Auditor's Management Report submitted with the June 30, 2005 CAFR shall certify by December 1, 2005, that the conditions resulting in the repeat audit findings have been corrected as confirmed by the auditor;

5. The school district maintains an accurate, complete, and timely roster of position control to certify the actual number of employees who are being paid for work performed, and that the roster is integrated with the school district's payroll system;

6. The school district produces timely and accurate monthly Board Secretary and School Treasurer reports within 45 days of the month's end, and pursuant to N.J.S.A. 18A:17-10, the Annual Report by August 1;

7. The school district applies for, and implements, Federal grant programs in a timely and appropriate manner and does not return funds to the Federal government;

8. The school district does not incur penalties and interest payments for late payments and that it takes full advantage of discounts for prompt payment; and

9. The school district has a curriculum that meets the standards set forth in N.J.A.C. 6A: 10A-3.1.

(a). School districts that are determined by the Department by December 1, 2005 to be without such a curriculum shall document substantial progress in creating such a curriculum on a schedule set by the Department;

10. The school district in which one or more schools was designated as a “school in need of improvement” for the 4th consecutive year by NCLB, shall demonstrate that it is implementing any written agreement reached with the Department during 2005-2006.

(b) As further conditions of the receipt of DEOA the school district shall:

1. Provide evidence that it has maximized enrollment of eligible students in the Special Education Medicaid Initiative (SEMI) program and participated in “EasyIEP” or any State-mandated program designed to maximize Medicaid enrollment of eligible students; and taken appropriate measures to ensure reimbursement for costs incurred while providing services to eligible students;

2. Submitted in final form the data elements requested for inclusion in a Statewide data warehouse within 60 days from the Department’s initial request or its request for additional information, whichever was later; and

3. Taken appropriate steps to refinance all outstanding debt for which a three percent net present value savings threshold is achievable.

(c) Notwithstanding the above, the Commissioner may, for a school district that fails to meet the requirements of (a)3 or (b) above, reduce the award of DEOA in lieu of withholding all DEOA,

by the amount of potential savings and/or increase in Federal funding that would be realized by those measures.

(d) School districts shall file a timely audit of their 2004-2005 accounts and financial transactions pursuant to N.J.S.A. 18A:23-1 et seq. The Department shall review the audit to calculate available resources and reallocations, including, but not limited to, a reallocation of the school district's undesignated general fund balance in excess of two percent and DEPA, ECPA and DLNA carryover, and adjust the school district's fiscal year 2006 DEOA and EOA awards to reflect the June 30, 2005 revenues, carryovers and excess surplus available for the 2005-2006 budget. The Department shall also review June 30, 2005 encumbrances included in the CAFR that are cancelled July 1, 2005 or later or have not been liquidated by September 30, 2005. Such encumbrances, other than construction and other long term contracts, shall be cancelled and the funds that become available as a result of the cancellation of those encumbrances shall result in an adjustment to the school district's award of 2006 DEOA and EOA under the presumptive budget formula if those funds would have created excess surplus at June 30, 2005 had the open purchase order been cancelled at that time. Year-end encumbrances shall not include goods or service that have been received or rendered on or before June 30; general supplies for instructional and non-instructional activities; new purchases of additional equipment; services that do not start prior to year end; or services that do not benefit the year ending June 30, 2005. The adjustments to the school district's fiscal year 2006 DEOA and EOA awards shall be applied first to DEOA and second to EOA, but shall not reduce EOA below EOA formula funding (which includes spending for regular education as defined in *Abbott v. Burke* 136 N.J. 444 (1994) and 119 N.J. 287 (1990) in each Abbott school district that equals the average per pupil spending of New Jersey school districts in the "I" and "J" categories of the District Factor Groups).

(e) If, during the school year, the district board of education determines that, due to unanticipated expenditures or unforeseen circumstances, additional funds are required to ensure that the instructional needs of students continue to be met, a separate request shall be filed consistent with the provisions of this subchapter.

1. The request shall document the nature of the unanticipated expenditures or unforeseen circumstances; the impact on the current approved budget; the specific budget lines and account numbers the additional funds shall be used to fund and that all available resources, reallocations, reductions and cost efficiencies have been implemented before submitting a request for a mid-year award.

2. The request shall also contain a certification by the school district that essential instructional programs or services cannot be funded through further reductions or reallocations and that without additional funds the foundational education program or existing supplemental programs will be negatively affected.

3. The Department's review of the request shall be consistent with the provisions in this subchapter and shall consider the current status of the approved budget.

4. The Department shall review the school district's request for emergent additional funds in a uniform and consistent manner to determine:

i. That the request is complete. The Department shall notify the school district of required information that is missing;

ii. That the district board of education considered all available resources, reallocations, reductions and under-budgeted revenues before submitting a request;

iii. That the school district properly reallocated inefficient spending from school district central office administrative accounts or from any other accounts identified as inefficient in the process described in N.J.A.C. 6A:10A-7.2;

iv. That the school district is attaining economies and efficiencies in the delivery of services and programs; and

v. That the school district certified that essential programs and services cannot be funded through reallocation and that without additional funds the foundational education program or existing supplemental programs will be negatively affected.

5. Upon review of the status of the school district's approved budget, the needs of the school district as presented in the request and the proximity of the request submission to the end of the school year, the Department may direct the reallocation of general fund balances below two percent prior to approving additional resources or order the reallocation of funds from accounts that are projected to be under spent.

6. Amounts approved by the Commissioner in response to the school district's separate request shall be available for expenditure during the current school year.

7. The revenue shall be recognized through the establishment of an account(s) receivable subject to appropriation in the subsequent year's appropriations act, or by a supplemental appropriation.

8. The initial appropriation equal to the revenue recorded in 6 above shall be recorded in an account designated by the Department and shall be available only for the purposes identified in the award letter from the Department. All transfers out of that account require the Department's prior approval.

9. All transfers into and out of accounts mid-year additional funding was awarded to fund referred to in (e)1 above, from the date of the request through the end of the school year, require Commissioner approval prior to the transfer of funds.

6A:10A-7.2 Cost efficiency

(a) Each district board of education shall ensure that all spending is necessary and aligned with the objectives and strategies for efficiently achieving the CCCS and ensuring all students read at grade level by the end of third grade. Expenditures related to Department-approved preschool programs and helping all students achieve the CCCS and read at grade level by the end of third grade shall be given the highest priority.

(b) Each district board of education shall ensure economies and efficiencies are being attained in the delivery of programs and services through the use of, but not limited to, the Department Efficiency Study and a review of administrative cost limits. The review of administrative costs limits is to ensure that advertised per pupil administrative costs do not exceed the lower of the following:

1. The school district's adjusted, as of February 1, pre-budget year per pupil administrative costs as reported in the proposed budget; or

2. The per pupil administrative cost limit for the school district's region as defined in N.J.A.C. 6A:23A-2.4(b)3.

(c) Each school district shall review its proposed spending using the Department's Efficiency Study, which will be distributed with the budget guidance and software.

1. The Department Efficiency Study shall compare median per pupil spending in the following nine cost centers to identify areas where the school district spending may be inefficient: administration and student support salaries, health benefits, facilities, regular transportation, special education transportation, supplies and equipment, utilities, adjusted classroom instruction and total educational purchased services.

2. The Department Efficiency Study shall compare proposed spending in nine major cost centers with other school districts in the following groups: Statewide, Abbott school districts, operating type and size, county, region and DFG.

3. The Department shall discuss with the CSA and the school business administrator any cost centers that exceed the midpoint average median of the six groupings to determine if cost savings can be achieved.

4. Any cost reductions that are agreed to by the Department and the school district shall be applied to the following priorities in the following order:

i. Spending for more effective instruction;

ii. Spending for greater efficiency;

iii. Funding for inflation; and

iv. Reductions in the school district's request for DEOA.

5. School districts are encouraged to maximize the efficiency information presented in the Department Efficiency Study and other tools provided by the Department.

6. Consistent with *Abbott V*, a school district shall be afforded a reasonable opportunity to demonstrate that higher than normal expenditures are justified by individual circumstances.

(d) Each Abbott school district shall document that it operates in an efficient and economical manner as demonstrated by its adherence to practices and standards that shall include at least the following:

1. The school district's CAFR to be submitted by November 7, 2005 does not include any material qualifications or an adverse opinion by the auditor to the school district's adherence to generally accepted accounting principles and financial management. School districts that received a qualified or adverse audit opinion shall certify by December 1, following the CAFR balance sheet date, that the reasons for the qualified or adverse audit opinion have been corrected and to have that correction confirmed by the auditor;

2. The school district did not incur a deficit in the most recent fiscal year as documented by its CAFR. School districts that incurred a deficit in that year shall file a plan by December 1 following the CAFR balance sheet date that the conditions producing the deficit have been corrected and that sufficient financial controls are in place to prevent a recurrence as confirmed by the auditor for the fiscal year in which the deficit occurred and approved by the Department;

3. The school district's Auditor's Management Report submitted with the CAFR did not contain repeat audit findings. School districts that had repeat audit findings in the Auditor's

Management Report submitted with the June 30, 2005 CAFR shall certify by December 1, 2005, that the conditions resulting in the repeat audit findings have been corrected as confirmed by the auditor;

4. The school district continues to participate in all available cost-savings programs that include the Alliance for Competitive Energy Services (ACES), the Alliance for Competitive Telecommunications (ACT), the New Jersey School Boards Association Insurance Group (NJSBAIG) or a joint insurance fund, the New Jersey State Health Benefits Plan, and is current in submitting all claims for reimbursable costs under the Federal E-rate program use of the Internet, or demonstrates savings equal to or greater than the savings that would have been generated by participating in these cost-savings programs;

5. The school district maintains an accurate, complete, and timely roster of position control to certify the actual number of employees who are being paid for work performed, and that the roster is integrated with the school district's payroll system. The school district shall work towards ensuring the database within the Roster of Position Control system includes but is not limited to the following items:

- i. A permanent position tracking number;
- ii. Status of the position (i.e. filled, vacant, abolished, etc.);
- iii. Position title;
- iv. Base salary;
- v. Expenditure account codes;
- vi. Full-time equivalent value;
- vii. Building the position is assigned to; and
- viii. Employee name.

6. The school district produces timely and accurate monthly Board Secretary and School Treasurer reports within 45 days of the month's end, and pursuant to N.J.S.A. 18A:17-10, the Annual Report by August 1;
7. The school district applies for, and implements, Federal grant programs in a timely and appropriate manner and does not return funds to the Federal government;
8. The school district does not incur penalties and interest payments for late payments and it takes full advantage of discounts for prompt payment;
9. The school district shall document that it has maximized enrollment of eligible students in the Special Education Medicaid Initiative (SEMI) program and participated in "EasyIEP" or any State-mandated program designed to maximize Medicaid enrollment of eligible students;
10. The school district submitted in final form the data elements requested for inclusion in a Statewide data warehouse within 60 days from the Department's initial request or its request for additional information, whichever is later;
11. Taken appropriate steps to refinance all outstanding debt for which a three percent net present value savings threshold is achievable; and
12. In accordance with N.J.S.A. 18A:55-2, the Commissioner may withhold state aid from school districts that have not demonstrated compliance with the foregoing.

(e) Each school district that expects to open a new school facility during 2006-2007 shall submit to the Department, no later than November 30, 2005, a request for incremental new school

facility costs, on a form provided by the Department. The Department shall review the request and make a determination as the amount necessary to meet the incremental new facility costs.

Subchapter 8. Abbott Financial Reporting and School Level Budgets

6A:10A-8.1 School-level budget and financial reporting requirements

(a) Each Abbott district board of education shall conform to the following requirements:

1. The district board of education shall consider Comprehensive Education Improvement and Financing Act (CEIFA) generated revenue and all other State, local and Federal revenue as revenue available for the general fund unless expressly restricted by Federal law or written contract, for the purpose of implementing the school and school district the two-year report on instructional priorities.
2. The district board of education shall apply for school-wide status under Title 1, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) for each eligible school in the school district, as reauthorized under the No Child Left Behind Act of 2001 or submit a Federal waiver request of the poverty criteria to enable the school to operate a school-wide program and combine Federal, State and local funds.
3. Any appropriation balances remaining at the end of the year shall lapse and be commingled with the general fund balance of the school district after reserving for year-end encumbrances at the school level, except where prohibited by any Federal law.
4. The district board of education shall maintain separate accounts for three-year and four-year regular education; special education inclusion classroom costs; and, special education self-

contained and other special education costs and any other Abbott cost category included on supporting documentation item 15 in the school district budget that the school district prepares a detailed budget for, in the special revenue fund section of the school district budget in accordance with GAAP and N.J.A.C. 6A:23-2.

5. Early Childhood Program Aid (ECPA) and Demonstrably Effective Program Aid (DEPA) are non-lapsing sources of funds. A district board of education shall classify ECPA and DEPA that is not expended or encumbered by June 30 of the budget year as deferred revenue. The Commissioner shall direct the appropriation of the deferred revenue in the subsequent year pursuant to N.J.A.C. 6A:10A-7.1(d).

6. Preschool Expansion Aid, Early Childhood Program Aid, other State aids and local funds may be used to support the Department approved preschool budget.

7. Funds transferred from the general fund to the enterprise fund to fund a food service deficit shall not be considered general fund expenditures for the purposes of calculating audited excess surplus at June 30.

8. Funds transferred from the general fund to the special revenue fund to record the full cost of preschool programs shall not be considered general fund expenditures in calculating audited excess surplus at June 30.

9. Any district board of education receiving DEOA, including the portion of EOA for fiscal year 2006 attributable to DEOA, in the current year or requesting DEOA in the subsequent budget year shall not establish a tuition reserve at June 30 of the current year as provided for in N.J.A.C 6A:23-3.1(f)8.

6A:10A-8.2 District and school-level transfers during the budget year

(a) A district board of education may transfer surplus or other unbudgeted or under-budgeted revenue between April 1 and June 30 only upon the approval of the transfer by the Assistant Commissioner for Abbott Implementation, as the Commissioner's designee, pursuant to N.J.S.A. 18A:22-8.1. To request approval of such transfers, a district board of education shall submit to the Assistant Commissioner for Abbott Implementation:

1. Documentation of approval of the transfer by a two-thirds affirmative vote of the authorized membership of the school board;
2. Certification by that same membership that the transfer is necessary to achieve the efficiency and effectiveness standards for the current year. Requests to appropriate surplus for textbooks, computers, equipment or other needs for use and operation in the subsequent school year is not considered a need for the current school year and shall not be approved; and
3. The latest board secretary's report to document that appropriation balances are or shall be expended or encumbered.

(b) Prior to April 1, a district board of education may petition the Commissioner, by a two-thirds affirmative vote of the authorized membership of the school board, for approval of a transfer of surplus or other unbudgeted or under-budgeted revenue only for an emergent circumstance. Such district board of education may be subject to an on-site inspection for verification of the emergent condition and other supporting documentation. The district board of education shall submit such board-approved petition to the Assistant Commissioner for Abbott Implementation

for review for recommendation to the Commissioner. At a minimum, the district board of education shall include in such submission:

1. Certification that the transfer is necessary for an emergent circumstance, that no other line item balances are or will be available, and that the remaining surplus will enable the district board of education to operate in a fiscally solvent position for the remainder of the budget year;

2. Documentation that the emergent circumstance, if not addressed through an appropriation of additional revenue, would render peril to the health and safety of students or staff, and/or force the school district into an operating deficit as a result of the implementation of the requirements of this chapter and the CCCS;

3. The latest school board secretary's report as documentation that no other line item balances are or will be available as set forth in (b)3i below:

- i. Any unexpended, unencumbered balances shall be for non-discretionary fixed costs and supported by historical expenditures or other documentation ensuring that the balances will be expended by June 30; and

4. Evidence of approval of the petition and supporting documentation by a two-thirds affirmative vote of the authorized membership of the board of education.

(c) A district board of education may, at any time and without Commissioner approval:

1. Appropriate unbudgeted or under-budgeted State aid for which the approval was granted by the Department in the written notification to the school district of the additional aid;

2. Appropriate unbudgeted and under-budgeted tuition revenue generated from a school district-specific program, which is not part of a formal sending-receiving relationship pursuant to N.J.S.A. 18A:38-19 and 18A:46-21;
3. Appropriate unbudgeted and under-budgeted school transportation revenue generated from a school district's or Coordinated Transportation Services Agency's role as the host provider of school transportation services pursuant to N.J.S.A. 18A:39-11 and 18A:39-11.1;
4. Appropriate unbudgeted or under-budgeted restricted miscellaneous local revenue;
5. Appropriate unbudgeted or under-budgeted Federal revenue; and
6. Appropriate surplus generated from any Federal and/or State revenue excluded from the excess surplus calculation in the pre-budget year in accordance with the annual audit program and Abbott addendum to the audit program.

(d) As used in this section, general fund appropriation account means the required advertised appropriation accounts pursuant to N.J.S.A. 18A:22-1 et seq., except where consolidated as follows:

1. Basic skills, bilingual and special education instruction, including other related and extraordinary services;
2. Student activities, student athletics and other student instructional services;
3. Student support services, including, attendance, health, guidance, child study team, and media;
4. Improvement of instruction and staff training; and

5. Special programs (fund 13).

(e) For all transfers from any general fund appropriation account as defined in (d) above, and as amended to include prior year encumbrances carried forward to the current year and revenue appropriated pursuant to (c) above, the district board of education shall obtain the approval for such transfers by two-thirds affirmative vote of the authorized membership of the school board, pursuant to N.J.S.A. 18A:22-8.1.

1. When the total amount of such transfers, on a cumulative basis, exceeds 10 percent of the amount of the account that was included in the school district's budget as certified for taxes, the district board of education shall request in writing approval from the Assistant Commissioner for Abbott Implementation, as the Commissioner's designee, by submitting the request and purpose for the transfer using the reporting requirements established in (h) below.

i. The district board of education may request approval from the Assistant Commissioner for Abbott Implementation prior to obtaining the two-thirds affirmative vote of the authorized membership of the school board for such approval.

ii. A district board of education written transfer request shall be deemed approved after 10 working days of receipt of such request by the Assistant Commissioner for Abbott Implementation if no Assistant Commissioner for Abbott Implementation approval or denial is provided within that timeframe. A district board of education shall maintain documentation of the Assistant Commissioner for Abbott Implementation receipt of all transfer requests deemed approved under this subsection.

2. Prior to any transfers from capital outlay accounts to current expense, except for equipment, a district board of education shall submit a written request for approval to the Assistant Commissioner for Abbott Implementation with documentation that such transfer is required due to demonstrated hardship.

(f) For all transfers to the advertised appropriation accounts identified as general administration, school administration, central services and administrative information technology or other support services that, on a cumulative basis, exceed 10 percent of the amount of the account included in the school district's budget as certified for taxes, a district board of education shall, prior to such transfer, submit to the Assistant Commissioner for Abbott Implementation, in a format prescribed by the Commissioner, a request for such approval.

1. Such approval shall not be granted except as provided in (f)2 below, if:

i. The school district's budget currently exceeds the administrative cost limits; or

ii. The transfer would place the school district's budget in excess of the administrative cost limits in the applicable budget year.

2. Transfers may be approved to support a contractual obligation or a one-time increase in spending as justified by district board of education documentation. A district board of education that is granted such approval remains subject to the administrative cost limit requirements.

(g) For all transfers to the advertised appropriation accounts identified as capital outlay, excluding equipment, a district board of education shall, prior to such transfer, submit to the Assistant Commissioner for Abbott Implementation in a format prescribed by the Commissioner a request for such approval. The district board of education shall include in the request:

1. Documentation that the funds to be transferred will supplement a capital project previously approved pursuant to N.J.A.C. 6A:23-8.4; or

2. Documentation that the funds to be transferred are necessary to support an emergent circumstance as required in (b)2 above. Such school district shall be subject to an on-site inspection by the Assistant Commissioner for Abbott Implementation for verification of the emergent circumstance.

(h) Each district board of education shall maintain a report of current month and year-to-date transfers between general fund appropriation accounts as defined in (d) above, in a format prescribed by the Commissioner, or in a format developed locally and approved by the Assistant Commissioner for Abbott Implementation, and submit such report to the Assistant Commissioner for Abbott Implementation with any transfer requests in accordance with the submission requirements of the board secretary's and treasurer's financial reports under N.J.A.C. 6A:23-2.11.

(i) All transfers into or out of charter school appropriation lines shall require prior Department approval on forms prescribed by the Commissioner.

(j) The district board of education shall transfer the full amount included on the lines entitled "Local Contribution – Transfer to Special Revenue" in the 2005-2006 approved budget to the special revenue fund to fully fund preschool programs. Any amount included in the approved 2005-2006 district-wide budget on the lines entitled "Local Contribution – Transfer to Special Revenue" that is not transferred to the special revenue fund to fully fund preschool as of December 31, 2005 shall result in a direct reduction of any 2005-2006 discretionary education opportunity aid award and shall not be transferred without prior Department approval.

(k) School-level appropriation transfers necessary during the year to implement the school's two-year report on instructional priorities as revised require board approval. The school business administrator and chief school administrator shall certify availability of funds prior to submitting the request to the district board of education for approval.

1. Notwithstanding this paragraph, each district board of education shall ensure that each school has the necessary resources to implement its school district two-year report on instructional priorities, and shall transfer amounts between schools during the year in accordance with N.J.S.A. 18A:22-8.1, 18A:22-8.2, 18A:7F-6(c) and 18A:7G-31, except where prohibited by Federal law. A district board of education may apply for additional State aid when necessary pursuant to subchapter 7.

6A: 10A-8.3 Travel and Other Reimbursable Expenditures

(a) All school district travel shall be directly related to the school district professional development plan.

(b) Each district board of education shall adopt a formal board policy and procedures pertaining to work-related travel and other reimbursable expenditures for its employees and board members.

(c) Each district board of education shall ensure through its policy and procedures that all work-related travel by its employees and board members is limited in scope, educationally necessary and fiscally prudent, including requiring that all work-related travel and other reimbursable expenditures:

1. Are directly related to and within the scope of the employee's or board member's current work responsibilities;
2. Do not exceed State travel reimbursement guidelines as established by the Department of Treasury in NJOMB circular letter 06-02 found at <http://www.state.nj.us/infobank/circular/cir0602b.htm>, including any amendments or revisions thereto; and
3. Are in compliance with OMB Circular A-87 found at http://www.whitehouse.gov/omb/circulars/a087/a87_2004.html

(d) Each district board of education shall include in its policy the following:

1. A maximum travel expenditure amount that may be allotted in the annual budget for such travel expenditures including but not limited to conferences, conventions, staff training, seminars and workshops;
2. Per diem rates for meals which shall not exceed the per diem rates included in NJOMB circular letter 06-02;
3. The requirement to maintain detailed documentation that demonstrates compliance with its travel policy;
4. The requirement that such travel occur only upon prior written approval of the chief school administrator and board of education;
5. The requirement that travel occur only upon prior approval of the board of education;
6. The provision that purchases of and reimbursements for alcohol, laundry, valet service and entertainment and meals in excess of the per diems established in

NJOMB circular letter 06-02, including any amendments or revisions thereto are prohibited;

7. The requirement that employees and board members document their effort to secure lowest convenient price for hotels and airfares; and
8. The requirement that all travel outside the Mid-Atlantic region deemed critical to the instructional or operational needs of the school district where the projected cost exceeds \$1,000 shall be submitted to the Department for approval on the form prescribed by the Department. The request for travel approval outside of the Mid-Atlantic region shall be submitted to the Assistant Commissioner in the Division of Abbott Implementation at least three months prior to the travel date.

(e) Upon returning from the conference, convention, staff training, seminar or workshop, the employee or board member attending shall document how the trip benefited the students, teaching staff or administration of the school and school district.

(f) Prior Department approval is required if an event has a total cost that exceeds \$2,500 or more than 2 employees or board members are attending the same event. The request for travel approval shall be submitted to the Assistant Commissioner in the Division of Abbott Implementation at least one month prior to the travel date.

(g) Any district board of education that does not comply with the requirements as set forth in this section shall be subject to sanctions as deemed appropriate by the Commissioner, and authorized pursuant to N.J.S.A. 18A:4-23 and 24.

(h) Any district board of education that violates its established maximum travel expenditure as set forth in (d) above may be subject to reduction of state aid in an amount equal to the excess expenditure, pursuant to P.L. 2005, c.132.

Subchapter 9. Appeals

6A:10A-9.1 Applicability of subchapter

(a) An aggrieved applicant from any Department decision arising from this chapter with the exception of decisions on early childhood program and budget applications and school district budgets may appeal to the Commissioner in accordance with the provisions of N.J.A.C. 6A:10A-9.2 through 9.6.

(b) Appeals of Department decisions on Early Childhood program and budget applications shall proceed in accordance with the provisions of N.J.A.C. 6A:10A-9.7.

(c) Appeals of Department decisions on school district budgets shall proceed in accordance with the provisions of N.J.A.C. 6A:10A-9.8.

6A:10A-9.2 Filing, service and documentation of petition

(a) Any appeal filed pursuant to this subchapter shall, except as noted in (a)1 below, meet the filing, service and format requirements for petitions of appeal as set forth in N.J.A.C. 6A:3, Controversies and Disputes, and shall generally proceed as a contested case except as noted in this subchapter. Service of the petition is required on the Attorney General of the State of New Jersey, and should be directed to the Department of Law and Public Safety, Division of Law,

P.O. Box 112, Trenton, New Jersey 08625-0112; Attention: Education and Higher Education Section.

1. Except as provided in N.J.A.C. 6A:10A-9.7 and 6A:10A-9.8, any appeal filed pursuant to this subchapter shall be filed within 30 days of the date of the decision which is the subject of the requested contested case hearing.

(b) Any appeal filed pursuant to this subchapter shall include, in addition to the petition required under (a) above, a copy of the complete application submitted to the Department and a copy of the determination from which the appeal is taken.

(c) Appeals may be filed by the entity that submitted the application under dispute, or by the district board of education in the case of applications filed by entities other than the district board of education. In any appeal in which the district board of education is not the petitioner, the district board of education shall be named as an indispensable party to the appeal.

6A:10A-9.3 Filing, service and documentation of answer

(a) Answers to petitions of appeal filed pursuant to this subchapter shall meet the filing, service and format requirements for answers as set forth in N.J.A.C. 6A:3, Controversies and Disputes. Nothing in this subchapter shall preclude the filing of a motion to dismiss in lieu of an answer.

1. Except as provided N.J.A.C. 6A:10A-9.7 and 9.8, any answer filed pursuant to this subchapter shall be filed within 20 days of the date of receipt of the petition.

6A:10A-9.4 Review of pleadings

Upon review of the petition, answer and supporting documentation, the Commissioner may use the procedure set forth in N.J.A.C. 6A:10A-9.5 to decide the matter. If so, he or she shall notify the parties and they shall be provided the opportunity to submit any additional documents submitted to the Department or considered by the Department in rendering the decision.

6A:10A-9.5 Submission of position statements and replies

If the Commissioner requires the submission of position statements and replies, within 20 days after receipt of the notice from the Commissioner pursuant to N.J.A.C. 6A:10A-9.4, the petitioner shall file a letter memorandum setting forth the basis for its position, referencing the criteria established for the application process and the materials submitted in conjunction with it. Within 10 days of receipt of petitioner's memorandum, each respondent shall file such reply as it may wish to make. Within five days of receipt of any reply, petitioner may file a final response thereto. All submissions shall be filed in triplicate (original and two copies) and served upon all other parties to the appeal at the same time they are filed with the Commissioner.

6A:10A-9.6 Commissioner review and decision

(a) If the Commissioner retains the matter pursuant to N.J.A.C. 6A:10A-9.5, upon receipt of the filings set forth above, or expiration of the time for their submission, the Commissioner shall review the total record before him or her and render a written decision. If the Commissioner transmits the matter to the Office of Administrative Law, such transmission shall be done on an expedited basis to resolve factual disputes.

(b) The Commissioner's decision shall include an appropriate order. Where the relief ordered includes additional funding, the Commissioner shall make the necessary request to the Governor and the Legislature.

(c) In rendering decisions pursuant to this subchapter, the Commissioner shall apply the same standards as are set forth for Department review in the operative rules for the type of application in dispute. The burden of proof shall be on the petitioning party to demonstrate that these standards were met by the applicant notwithstanding the Department's determination to the contrary. The record on appeal shall consist of those documents and information submitted to the Department in support of its application and any additional information relied upon by the Department in making the determination at issue.

6A:10A-9.7 Early childhood program appeals

(a) In accordance with the June 23, 2003 order of the New Jersey Supreme Court set forth at 177 N.J. 578 (2003), appeals of Department decisions on Early Childhood Program and budget applications shall proceed as follows:

1. The Department shall issue program and budget decisions to school districts on or before the fifteenth of January, which decisions shall include, at a minimum, the approved amount of the early childhood budget, and a list of each proposed program and expenditure not approved by the Department, with specific reasons for denying the program or expenditure;
2. A school district shall have 30 days from the date of the Department's determination to file an appeal otherwise meeting the requirements of N.J.A.C. 6A:10-9.2(a) and (b) with the

Commissioner of Education, who shall forthwith transmit the matter to the Office of Administrative Law;

3. The Office of Administrative Law shall make its recommendation on the school district appeal within 40 days of the date of the filing of the appeal with the Commissioner, through an initial decision, which shall include an itemization of the record;

4. The Commissioner of Education shall issue a final decision within 25 days of the decision of the Office of Administrative Law;

5. Any appeal from the final decision of the Commissioner shall be filed with the appellate division within six days of the Commissioner's decision; and

6. The Appellate Division shall expedite any appeal from the Commissioner's final decision.

(b) Notwithstanding the provisions of any rule to the contrary, Department answers to Early Childhood Program appeal petitions shall be filed not later than three days from receipt of a petition, and shall be filed directly with the Office of Administrative Law.

(c) Notwithstanding the provisions of any rule to the contrary, exceptions to initial decisions of the Office of Administrative Law in Early Childhood Program appeal matters shall be filed within five days of the date of mailing of the initial decision, and reply exceptions shall be filed within two days of receipt of exceptions.

6A:10A-9.8 Abbott school district budget appeals

(a) In accordance with the May 21, 2003 order of the New Jersey Supreme Court, appeals of Department decisions on Abbott school district budgets shall proceed as follows:

1. The Department shall issue budget decisions to school districts on or before the last business day in May of the pre-budget year;

2. A school district shall have seven days from the date of the Department's determination to file an appeal otherwise meeting the requirements of N.J.A.C. 6A:10A-9.2(a) and (b) with the Commissioner of Education, who shall forthwith transmit the matter to the Office of Administrative Law;

3. The Office of Administrative Law shall make its recommendation on the school district appeal within 50 days of the date of the filing of the appeal with the Commissioner, through an initial decision of the Administrative Law Judge, which shall include an itemization of the record;

4. The Commissioner of Education shall issue a final decision within 25 days of the decision of the Office of Administrative Law;

5. Any appeal from the final decision of the Commissioner shall be filed with the appellate division within five days of the Commissioner's decision: and

6. The Appellate Division shall expedite any appeal from the Commissioner's final decision.

(b) Notwithstanding the provisions of any rule to the contrary, Department answers to Abbott school district budget appeal petitions shall be filed not later than three days from receipt of a petition, and shall be filed directly with the Office of Administrative Law.

(c) Notwithstanding the provisions of any rule to the contrary, exceptions to initial decisions of the Office of Administrative Law in Abbott school district budget appeal matters shall be filed within five days of the date of mailing of the initial decision, and reply exceptions shall be filed within two days of receipt of exceptions.

Appendix A.

Chart of Supplemental Programs in Abbott Schools

APPENDIX A

Supplemental Programs in Abbott Schools

In *Abbott V*, the Supreme Court directed implementation of supplemental programs and services in Abbott schools. In some program areas, the Court established a “baseline” as the minimum requirement. In others, the programs are required without a baseline, but the design of the program must be based on need. In still others, the program is not required, but must be implemented and designed as needed.

In all program areas, the Court “stressed the importance of having the particularized needs of these children drive the determination of what programs should be developed,” concluding that the “provision of supplemental programs involving necessary services should not be detached from the actual needs of individual Abbott schools and districts.”

The determination of need must guide school and district plans and budgets in all program areas. Thus, where the Court established a baseline, schools must either provide the baseline or, depending on need, adjust it to provide none, less or more than the baseline, or an alternate design.

| | Required Program Areas With Baseline | Objectives | Baseline | Options |
|----|--------------------------------------|---|---|---------|
| 1 | Full-day kindergarten | (1) to help children at risk become effective learners in first grade (2) to increase the benefits deriving from the half day program (502) | provide full day kindergarten by September ‘99 | none |
| 2. | Early reading literacy | (1) to assure that each student reads “at the appropriate level” (495) (2) to prevent children from falling behind and needing remediation. (3) to intervene early and intensively if a student is experiencing difficulty in achievement (554) | (1) 90 minute reading block each day (all schools) (2) regular progress assessment of each student (all schools) (3) instructional facilitator (all schools) (4) reduce 1-3 reading class size to 15 (SFA schools) (5) 20 minutes of daily one-to-one tutoring by a certified teacher for each student in grades 1-3 not reading on grade level (SFA schools) | yes |

| | Required Program Areas With Baseline | Objectives | Baseline | Options |
|---|--|--|---|--|
| | | | (6) 20 minutes of daily small group tutoring by a certified teacher for students in higher elementary grades not reading on grade (SFA schools) | |
| 3 | Elementary Parent Involvement | (1) to recruit parents to join parent participation programs and become involved with the schools and their schoolchildren (II, 373) (2) to involve parents in school decision-making (S,14) (3) to foster parenting skills and career development (S, 14) (4) increased parental education to support students' learning at home (556) | (1) parent liaison (2) parent representation in school management | yes |
| 4 | Class size Limits | (1) to increase the frequency of student-teacher interactions (2) to reduce distractions (3) to provide more opportunity for assessment, feedback, and reinforcement (560) | (1) preschool: 15 (2) K-3: 21 (3) 4 and 5: 23 (4) 6 and above: 24 | none, except if early class size of 15 is needed |
| 5 | Elementary Social and Health Referral and Coordination | (1) to use school and community resources to ensure that children come to school every day prepared to learn (2) to provide health, counseling, nutritional, tutorial and other needed services (496) (3) to focus on attendance, coordination of outside services, parent involvement and behavior (556) | family support team comprised of nurse, social worker, counselor, and includes the parent liaison and instructional facilitator | yes |
| 6 | Middle and High School Social and Health Referral and Coordination | (1) to provide for significant health and social service needs, including those stemming from poverty, substance abuse, teenage pregnancy and parenthood, inadequate housing, violence and crime (2) to improve student performance, attendance, and dropout rates | community services coordinator | Yes |

| | Required Program Areas With Baseline | Objectives | Baseline | Options |
|----|--|--|--|---------|
| | | (3) to reduce teacher time taken out to deal with such problems (509) (4) to ensure that services are actually available and provided quickly (5) to ensure that uninsured students receive needed services. (510) (6) to identify student needs (7) to arrange for community-based providers to furnish essential health and social services (512) | | |
| 7 | Access to technology | (1) to help students master the basic and advanced skills necessary to reach the CCCS (2) to improve student motivation and learning (514) (3) to ensure that school and classroom libraries have appropriate materials to supplement the curriculum (4) to facilitate the implementation and use of educational technology throughout the school (515) (5) to increase effective use of technology in Abbott classrooms (564) | (1) media specialist (2) technology coordinator (3) a ratio of 1 computer for every 5 students, including peripherals and software | yes |
| 8. | Dropout prevention and alternative education | (1)to prevent dropouts (2) to provide more individualized instruction (3) to provide additional supports, such as job counseling (4) to decrease disruption in the regular school (5) to increase achievement (6) to foster positive lifestyles (7) to reduce aggressive behavior (515) | (1) alternative middle and alternative high school program, both high quality (2) dropout prevention specialist | yes |

| | Required Program Areas With No Baseline | Objectives | Baseline | Options |
|---|---|---|----------|---------|
| 1 | Early math literacy and mastery of other core subjects | (1) to develop student skills in higher-order thinking, problem solving, and discovery (2) to make the entire elementary curriculum relevant and useful (556, 557) | none | yes |
| 2 | Professional Development | (1) to provide ongoing, continuous opportunities for practitioners to improve practice (496) (2) to focus on all the core curriculum content standards (496) (3) to provide teachers and administrators with a variety of rich and meaningful learning experiences, based on student need (S,16) (4) to provide regular support and feedback for classroom teachers (S,16) | none | yes |
| 3 | Violence prevention and school security | (1) to assure adequate school security (2) to improve the education process (3) to remove a great barrier to learning (514) (4) to address problems of student disruptions and violence (5) to define acceptable student behavior and consequence for unacceptable behavior (564) | none | yes |

| | | | | |
|---|--|--|------|-----|
| 4 | School to work and college transition | 1) to increase the basic skills of students to support themselves responsibly (2) to provide access to information about college and employment opportunities (3) to match students with prospective employers (4) to help students become aware of their interests and strengths (570) | none | yes |
|---|--|--|------|-----|

| | If Needed Program Areas | Objectives | Baseline | Options |
|---|---|---|----------|---------|
| 1 | On-site social and health services | (1) to provide an effective and realistic opportunity for these schools to provide on-site services that go beyond mere referral and coordination (2) to provide onsite services if it can be shown that they “either are not available within the surrounding community or cannot effectively and efficiently be provided off site.” 512-513 | none | yes |
| 2 | Supplemental literacy supports for non-SFA schools | (1) to reduce 1-3 reading class size to 15 (2) to provide 20 minutes of daily one-to-one tutoring by a certified teacher for each student in grades 1 -3 not reading on grade level (3) to provide 20 minutes of daily small group tutoring by a certified teacher for students in higher elementary grades not reading on grade | none | yes |
| 3 | Instructionally-based after school programs | (1) to increase instructional time (2) to provide homework and tutorial assistance (3) to provide computer training (4) to provide recreation opportunities (516) (5) to provide a structured alternative to unsupervised after school hours (6) to provide after school social and health services (587) | none | yes |

| | | | | |
|---|--|--|------|-----|
| 4 | Instructionally-based summer programs | (1) to prevent the summer learning loss of disadvantaged students (2) to provide structure during unsupervised months (3) to provide a summer program of instruction (4) to provide summer recreation (5) to provide summer employment (516) | none | yes |
| 5 | Enriched nutrition programs | (1) to provide high quality breakfast and lunch (516-17) (2) to provide high quality snack (3) to fill any gap left by current programs | none | yes |
| 6 | “Exemplary” music, art, and special education | to provide exemplary music, art and special education programs beyond those recommended by the Commissioner (518) | none | yes |
| 7 | School-based management and budgeting | (1) to fundamentally alter the way decisions are made (2) to establish a team of parents, administrators, and teachers (494) (3) to develop a school based budget (605) (4) to actively involve all stakeholders in planning, budgeting, and governance (5) to increase effectiveness and tenure of school reform (S,14) | none | yes |

Appendix B

Secondary Education Standards

These standards will be implemented in the four school districts selected for Phase I implementation in 2005-2006 and are subject to changes based on the evidence and lessons learned from this work prior to their application to all Abbott school districts. The standards are an outgrowth of the Secondary Education Workgroup established in response to Abbott X.

Small Organizational Structures

1. Small organizational structures facilitate a greater personalization and improve instruction for all secondary students in the school district.
2. Small organizational structures may include small learning communities and/or small schools in free-standing facilities or within larger facilities, with three hundred or fewer students recommended for small learning communities within existing high schools and two hundred-fifty or fewer students recommended for small learning communities within schools with grades 6-8.
3. To the maximum extent possible, small learning communities and small schools are organized around academic and/or career themes (e.g. performing arts, math and science, world languages, law and government, aeronautics, health sciences).

4. Middle and high school students' and teachers' preferences guide the formation of small learning communities and small schools and their placement in them.
5. Placement of teachers and students shall result in an equitable distribution of student academic achievement profiles, demographic characteristics and teacher experience, qualifications and racial/ethnic diversity. Voluntary placement of teachers and students in schools with grades 6-8 is an option of the school district based on its goals for middle grades instruction, supervisory capacity, facilities, and school organization.
6. School districts provide appropriate space to accommodate small learning communities and small schools.
7. Teams of teachers qualified to teach the entire core curriculum and thematic course of study that are appropriate to the small learning community stay with the same group of students for all three years for grades 6-8 of middle schools; and either all four years of high school, grades 10 – 12 or grades 9-10 and then grades 11-12 to achieve greater personalization of instruction and teacher knowledge of students.
8. Faculty and other staff are included in the preparation of grade-level, academic department and school budgets through representation on the school leadership council.
9. Teachers sharing students within the school/small learning community and within subjects shall be provided with at least three hours or three class periods weekly, whichever is less, of common planning time and early release/late start for coaching

within the smaller organizational structure to facilitate collective responsibility for student success and to:

- a. Ensure that the requirements in N.J.A.C. 6A:10A-3.6 are addressed;
- b. Assign students to appropriately rigorous classes;
- c. Provide or refer students to all services needed to support achievement on all CCCS;
- d. Track school and class attendance;
- e. Monitor expected progress toward graduation;
- f. Strengthen all teachers' delivery of rigorous instruction pursuant to the Professional License and Standards, N.J.A.C. 6A:9-3.2-3.3; and
- g. Evaluate student achievement data and best practices to include N.J.A.C. 6A:10A-3.6(b), to identify the assistance required of school and school district leadership and to strengthen collegial responsibility.

Personalization

Greater personalization for all secondary students will be organized by teams of professional educators working with students in small structures and over sufficient periods to ensure they can track and support each student's well-being and academic progress, and that at least one professional educator assumes personal responsibility for working with a student and his or her family as part of this personalized learning environment. Each small learning community or small school implements student and family advocacy in the following manner:

1. Each student and his/her family will be the official responsibility of one teacher or other professional staff member who will have groups of 20 students and families per staff member;
2. Advocates work with the student and family over all years they are in the smaller organizational structure;
3. Advocates meet with assigned students weekly by schedule and informally as well;
4. Advocates meet face-to-face and individually with each family and student at least twice during the school year;
5. Advocates receive professional development to support this role, including training in multicultural perspectives, use of student academic and behavioral profiles, communication skills, student and family referral processes, and use of family activity guides; and
6. Advocates assist in the preparation of an academic plan for each student that incorporates mastery of college-preparatory academics with the goal of graduation and notes any non-instructional needs. This plan shall be a part of each student's permanent academic record.